Solving Public-Management Problems

A Case Study Approach

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Solving Public-Management Problems: A Case Study Approach

Dedication

This book is dedicated to the memory of June Benson and Oliver Benson. By their own sphere of influence, they changed the world: June changed the field of women and politics and Oliver impacted the world of research and quantitative methodology. Their lives were lived with purpose, humility, engagement, and civic action which gave them the earned title of "citizen"—the highest honor that can bestowed on anyone in a democratic society. To their unselfish contributions to society, we owe a profound debt of gratitude, and it's their kind of character and personal traits that we honor when we reflect on the qualities of the "Greatest Generation."

--CKM, AJZ, LJN, JAG, and GLF

Preface

"In recent years, the ground has shifted for Americans in virtually every important sphere of life—economic, global, cross-cultural, environmental, and civic. The world is being dramatically reshaped by scientific and technological innovations, global interdependence, cross-cultural encounters, and changes in the balance of economic and political power." (College Learning for the New Global Century of Learning, AACU, 2007)

And,

"The curriculum needs to help students develop . . . leadership, teamwork, problem solving, time management, communication and analytical thinking." (Business-Higher Education Forum, 1999)

This is one of the most exciting times in the history of the United States to learn about the multitude of intricacies and complexities that accompany the transformation of our political, economic, and governmental organizations. Theories, concepts, notions and facts drawn from different disciplines and perspectives prevail, and it is difficult to separate or discriminate between what information is useful and what is not. For those of us who labor daily in the management and administration of our nearly 88,000 state and local organizations, we more often than not understand the organizational structures in which we work, but are often befuddled and even bemused by the difficulties associated with actually conducting the business of the people in an efficient, effective, and equitable manner. We all know that government and governance is rapidly being transformed before our lives, but sometimes we are unable to discern what is changing and what is driving the change. Some academicians invite their colleagues in the many classes they teach to "drill deeper;" to become more explorative and imaginative in their inquiries; and others stress the desire for more entrepreneurialism, creativity and right brain conceptualization. These 32 cases studies were written to help those interested and those currently working in the governing and administering functions to take the theory that they are learning—to take the substantive body of literature that they are mentally and conceptually amassing—and make it live by applying it to the real world of public management—regardless of the level of government. To help accomplish this aim, *Solving Public-Management Problems: A Case Study Approach* was written.

If the instructor or students are looking for formulaic answers to the **Questions and Instructions,** they will be disappointed with this book. The scenarios are sometimes "devilishly" complex—this means that as the case is placed on the table for purposes of conducting an organizational, policy or administrative autopsy; one level of complexity easily can cascade into other

levels of sophistication and complexity. The cases, therefore, continuously invite constructive and creative thinking, and will necessarily involve the other class members in the discussion in thoughtful reflection, analysis, and group dialogue.

These cases deal with ongoing and enduring issues and problems of management at all levels of government (national, state, and local—county, municipality, regional). Included are problems involving finance and budgeting, contracting-out, privatization, ethics, coproduction, sustainability, cooperation, collaboration, economic development and the like. Some of the cases are composites or an amalgam of situations (organizations, places, actors), that have been condensed from a variety of similar situations and to that extent they are contrived. Others detail in an empirical fashion the actual situations as they unfolded with all of their foibles, gaffes, and idiosyncrasies. Overall, these cases represent fresh examples that should enable us, as advised by Peter Drucker, to see more further and differently than others we work with in our office settings. The cases will serve as an invitation to intellectually and experientially grapple with the problems encountered in the everyday practice of management.

Returning again to the notion that there are no formulaic or pat answers to the questions that attend each case scenario, it is important to realize that the statement, "the answer is..." is now commonly replaced with "what is the question?" Practitioners and academics have known for ages that commonsense reasoning and simple answers to complex problems are often overrated or valued. The authors have discovered through our collective experiences of having nearly 170 years of organizational, managerial, political, and policy involvement in the three economic sectors, that difficult problems rarely submit to easy solutions or simple remedies. Since leading and managing are not the same thing, nearly all of the cases encourage students to develop leadership skills that when coupled with an integrative process of learning, will facilitate implementation and action.

Over many years of teaching, the authors learned that the theory, notions, techniques, and resolutions to problems were frequently not found in traditional modes of understanding and applications often used in the lecture method where students receive knowledge from an authoritative expert. In case methodology, according to William Ellett, the "... learners make the knowledge" and apply it in their understanding and solving of organizational issues, rather than passively receiving knowledge from an expert (Ellet, 2007). The Chinese proverb, "doing makes a good basis for learning," is *apropos* insofar as if you want to truly learn concepts, and then practice them.

The case studies were carefully written and selected to integrate theory with practice. Laurence E. Lynn Jr., John F. Kennedy School of Government, says it best when he states, "...to be effective in government, students must learn to think on their feet, interact effectively with others in a group, be able to ask and answer questions, and be able to summarize evidence and arguments quickly, clearly, and persuasively." The authors believe these case studies support this vision and that learners will further develop the knowledge base and skills needed for *Solving Public-Management Problems*.

The authors disguised the names, locations, and descriptions of the actors and organizations explored in these pages and emphasize that any real-life resemblances to administrators or policy makers that you might feel you can identify in these cases, be treated as serendipitous occurrences. And, as authors, we were vigilant in meeting our ethical and professional obligations of providing anonymity and confidentiality in those situations when it was guaranteed.

The authors thank Ms. Sheryl Geerts for the excellent assistance and support she provided during the time that this book was envisioned to its completion. As a free-lance editor she sought critiques and reviews from Professors Lisa A. Dicke, PhD, University of North Texas and Kathleen Hale, JD, PhD, Auburn University—scholars who provided valuable insights, suggestions, and ideas. The authors take full responsibility for all errors of omission and commission. Also, it is important to acknowledge that many of our associates and colleagues helped prepare this book of cases with many of their ideas and examples incorporated into the body of this text.

CKM, AJZ, LJN, JAG, and GLF

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Solving Public-Management Problems: A Case Study Approach

by
C. Kenneth Meyer, Allen J. Zagoren, Lance J. Noe, Jeffrey A. Geerts and Garry L. Frank

Introduction to the Case Study Approach

The cases and exercises utilized in *Solving Public-Management Problems: A Case Study Approach* will enable class participants to confront a number of complex administrative and public policy issues, and make decisions or recommendations on how they believe the dilemmas, issues, and problems should be handled. In the processes surrounding the case (incident) analysis, the participants will be asked to assume a variety of specific roles such as the role of administrative consultant, program director, department head, policy analyst, staff analyst, administrative colleague, etc., in relation to the specific problems of the case. Typically, in a small group situation, the learners will analyze the problems and present their respective recommendations and evaluations.

Each case was developed to emphasize a particular administrative idea, notion, concept, or theory related to effective managerial performance. In dealing with unfamiliar problems, the class participants will gain experiences in differentiating the important or salient characteristics from the unimportant or irrelevant facts of the case. In turn, a systematic way of analyzing administrative realities will be encouraged throughout the course. This disciplined approach to thinking and analysis will assist participants in identifying the nature or root causes of the problem, the kind of problem for which a resolution is sought, the type of analytical or administrative techniques that would be appropriate to the solution of the problem, and the alternatives available to the public decision-maker. Also, the consequences and potential impacts of a decision on the organizational and political environment will be assessed.

The use of cases in facilitating the learning process is a well-established one, especially in the study of medicine, law, nursing, public administration and management. Cases are increasingly becoming a staple learning tool in the study of pharmacy, information systems, statistics, accounting, public relations, and marketing. In the discipline of public management, we have historically valued the many contributions that Syracuse University and Harvard University, among many others, made to the case study methodology over the past 80 years. While case studies themselves do not technically form a "research methodology," they represent a choice by the authors of this work to use a single case or story to bring together learners and have them focus their attention on a set of particular facts, situations, and questions. The case study method uses a single story, incident, or slice of organizational life to explore the nature of administration, management, and public policy making. This method enables the student to follow an argument in a forum in which additional ideas and counterclaims are made by one's colleagues, and then collectively scrutinized and evaluated in class.

In using the case study approach to learning, one will frequently hear the following overgeneralized argument—"One case does not create a theory or set of practices that can be used in all other situations." Overall, this claim is accurate. Case studies cannot claim to result in the development of a uniform theory or practice that can be generalized to subsequent, or for that matter, even similar situations. It is not the purpose of these cases to develop a generalizable statement that would be true in all situations—this is even difficult to do under the most carefully controlled environment in which the experimental scientist labors. Instead, the goal here is simply to discover methods by which we can more clearly understand situations that impact our organizational and life experiences. If, in the final analysis, continued research and discussion leads those of us who are actively engaged in analyzing the case studies to have an expanded and continuing conversation, and if this conversation leads us to the conclusion that the notions and theories developed as a result of these cases are sound, then the argument of generalization related to this research and method of study will have been sufficiently satisfied.

Although it is not proposed here that case analysis replace the more traditional models of academic learning, it is suggested that the case approach adds a needed dimension to the learning of public-management concepts. Further, teaching and learning through experiences provide a framework in which analytical and communication skills can be developed. In this structured milieu, the student shares with the instructor both the responsibility and the control of the learning processes. It is a process in which learning is active rather than passive; an approach that uses both problem-centered as well as theory-based types of learning. The primary goal of the case study approach, therefore, is to enable the maximum transfer of learning to take place in terms of knowledge acquisition, attitude change, problem solving and interpersonal skill development, and knowledge retention, by integrating theory with active participation and action (decision-making). Laurence E. Lynn, Jr., of the John F. Kennedy School of Government suggests that the case study approach helps fulfill this goal, and as a learning mechanism facilitates the development of these desired managerial, human relations, and effective communication attributes and skills.

In using the case study method, the student becomes the "centerpiece and essential target" of the learning process. Unlike the more prescriptive types of learning characterized by textbook material and lecture formats, professionals are recognized as coming into the classroom milieu from many different backgrounds, coupled with a wealth of different managerial and administrative experiences. In case study methodology, these experiences are valued and serve as a reservoir of empirical observations that participants have learned about the behaviors of individuals, groups, organizations and institutions and how they individually or collectively respond to different dilemmas or situations. As such, the student brings to each case study a set of perspectives—some well-developed and others less well formulated. In the aggregate, however, these viewpoints help to shape their attitudes, values, beliefs, and opinions about organizational and human behavior and their conceptualization of the basic nature of people in terms of what motivates them (external or internal), how they respond to authority, and, in the final analysis, whether they can be trusted. Of course, the theoretical perspective (philosophy) that learners have about the nature of people will influence the variety of managerial techniques that will seem appropriate to them in dealing with opportunities,

problems, or threats that they face in real organizational living. That is, philosophy impacts the techniques of management.

The overall success of the case study methodology is predicated on the assumption that participants will come to each class meeting well prepared. This methodology can be utilized in various pedagogical approaches including flip-classroom and problem-based situational learning systems. The instructor can adjust the methodology to best suit the learners and the learning environment. That means, they will have read and analyzed the case studies assigned for the class period and will have, at a minimum, completed the **Case Log and Administrative Journal Entry** that is found in Appendix D near the end of this book. As such, the main administrative and policy issues need to be identified, and the student needs to ascertain the relevance of the various administrative concepts, ideas, theories, notions, techniques, as they pertain to managing organizations in America today. In addition, to identifying the major issues, learners should attempt to isolate what the facts are in each case study. As we know, facts are elusive at times and we are reminded that what we see can be influenced by the position we have in the organization. It is also important to note here what social psychologists have formulated in theory long ago: "assumptions affect perceptions;" that is, what we see is pretty much determined by what we wish or want to see. Further, students need to know who the major actors are in the incidents that they analyze. This requires that they identify the key persons, departments/units or agencies, and discern if the case study involves a variety of customers—both internal and external—and identify the plethora of stakeholders who normally have an interest in the outcome of public choices. It also requires that participants understand the business of making public policy and administering the people's business is both complicated and messy. This sentiment is reinforced by the often cited maxim of public policy: "We are not making sausage; rather, we are making public choices." This means, by definition, that judgments of worth be made—that is, what is "right, best, optimal, efficient, necessary," and what is valued. The magnitude and type of value or worth assigned to any issue, problem, relationship, or possible outcome is related to the repertoire of experiences and beliefs that the administrator holds, and this, is certainly influenced by one's formal education and, of course, the composite of one's life experiences.

In addition, learners are asked to identify if any rules or regulations, etc., need to be changed to implement their decisions, or to discern if there is precedence for the action that they wish to take. Participants also should attempt to discern if the case study presents any clues that will help identify the interests, needs, motivations, and personalities of the actors involved in the case. In the final analysis, participants are asked to engage in a learning assessment. That is, what do the concepts, theories, notions, etc., identified in the case study mean to each student? What do these concepts and theories mean to the student in the role of a manager and how can this learning be put to use outside the classroom? Learners are asked to assess if there are any difficulties that one would expect to encounter during the implementation or evaluation phase associated with their decisions or choices. Finally, participants are asked to reflect upon how they might enhance the learning value received from the group discussion and analysis of the case studies, and how personally they might in subsequent cases learn more by making additional contributions to the case analysis and discussion.

In some instances, depending on the class design, class members may be asked to submit the Case Log and Administrative Journal Entry to either the institution, members of a group, or an assessment team. To accommodate the process a sample Case Log and Administrative Journal Entry is available for photocopying in Appendix D of this book.

Also, if the learner wishes to maximize the learning acquired and retained, sharpen their decision making and problem solving skills, and enhance their interpersonal skills, it is necessary that they: take each case study seriously, assume the role called for in the **Questions and Instructions** portion of each case study, are prepared for the case discussion, participate in the case analysis and discussion, and encourage their colleagues to become similarly engaged. They also should look at the discussion as an opportunity to achieve a heightened awareness of their own values, ideologies, and beliefs—thereby achieving a better self-understanding of the merits and limitations of their own managerial philosophies. In the final analysis, it would be desirable if everyone engaged in the analysis of the case studies developed a better understanding and appreciation of their own managerial philosophy. It also would be laudatory if everyone could better discern and appreciate the natural linkages that exist between "theory and practice"—a connection that all too frequently gets lost in the academe and the workplace.

In the processes associated with critical thought and reflection on the issues associated with the case studies, participants will be encouraged to share their personal experiences and perspectives with the other participants in the class. When experiential learning is utilized in an open, honest and safe environment, the learning is usually more effective, and the experiences encountered become more memorable and meaningful. As the cases get discussed, the richness of the collective background of the course participants will become apparent. The variety and magnitude of your colleagues collective leadership experiences will reveal—whether they have occurred in the more traditional public, nonprofit, or private organizations or in a diverse "hybrid" community-based organization, the general workplace, the family or other organizations—an impressive array of observations and examples. For instance, in dealing with valuing differences or diversity (pluralism), specific discussions might take place on how the scenarios presented in the cases affect African-Americans, Asians, Latinos, gay/lesbian, bisexual, transgender, questioning, and persons with disabilities. But diversity goes well beyond these traditional areas of interest and includes veteran status, socio-economic status, age, ways of thinking, appearance, national origin, gender, and lifestyle.

When the critical components of the cases are analyzed and discussed, many divergent perspectives will emerge and personal beliefs, values, and ideologies will reveal their sometimes "passionate" and not so easily compromised or resolved perspectives or choices. During this hopefully vigorous exchange between members of the group, new interpersonal relationships will be formed. How the class participants deal with these newly formed relationships will affect the overall course effectiveness and be associated with the zeal, enthusiasm, or reluctance in which the learners take on the various challenges presented in the case studies.

It is known by writers of case studies, that cases that reflect real-world scenarios often require input from many different sources. This is the case with *Solving Public-Management Problems: A Case Study Approach* since these cases are based on the collective experiences of the authors and their associates. The names and identities of the key actors or their organizational affiliations are not revealed in the cases, and sometimes the cases represent a composite of multiple similar situations, issues, dilemmas, problems that require analysis, interpretations, and purposive decision-making. We wish to again emphasize that any names or organization identities used are constructed to conceal the actual identities of those portrayed.

The hidden secret—if there is one—in making the case studies presented in this book come to life, is to know what is needed to spark "zeal and enthusiasm" for the cases and the major and minor concepts embedded in them. Thus, the class truly belongs to the participants, and it is their primary responsibility, augmented by the class moderator or facilitator, to see that communication is multi-directional. It is important that class participants actively participate in the case under examination, do what is suggested in the questions and instructions portion, listen actively to their colleagues and cognitively and emotionally try on for themselves the solutions and remedies offered by others, and come to class prepared having read the case, analyzed the situations, and developed responses to the selected questions which they can defend in class. By doing this, we have found over the years, that the instructional technique that most helpfully links proficiency and knowledge with the general areas of administrative-management practices and human relations has been the case study. Lastly, it is important to realize that most case problems do not easily submit to simple solutions and there are many potential answers or solutions to the problems presented. That means, there is simply no one best answer for each question, instead there are many ways to deal with a problem or issue satisfactorily—the principle of equifinality. The operations of governmental agencies, private businesses and nonprofit organizations are complex and when we touch the work of those employed in these environments we actually "...touch their lives." Overall, it is necessary that we keep focused in our analyses and place the problems and issues discussed within a broader societal context with its competing economic, social, psychological, political, ideological, legal and technological interests and demands.

Source: Excerpted and adapted, in part, from C. Kenneth Meyer, et al, "Introduction to the Case Study Approach," in C. Kenneth Meyer, et al, *Managing America's Organizations*, Des Moines: Millennium HRM Press, 2006. Reprinted with permission. All rights reserved.

Learning in the 2lst Century: A Contemporary and Global Orientation

In a recent study entitled "College Learning for the New Global Century," the Association of American Colleges and Universities (AAC&U) present their belief in the value of liberal education in preparing learners for the third millennium. AAC&U is not only adamant that the quality of higher education be enhanced, but that the education provided enables the "...full development of human talent" (p.3). In this regard, they recommend "...an education that intentionally fosters, across multiple fields of study, wide-ranging knowledge of science, cultures, and society; high-level intellectual and practical skills; an active commitment to personal and social responsibility; and the demonstrated ability to apply learning to complex problems and challenges" (p. 4). To this end, four "essential learning outcomes" for the 21st century are proposed: 1) Knowledge of human cultures and the physical and natural world (sciences, mathematics, social sciences, humanities, histories, languages, and the arts); 2) Intellectual and practical skills (inquiry and analysis, critical and creative thinking, written and oral communication, quantitative and information literacy, and teamwork and problem solving); 3) Personal and social responsibility (civic knowledge and engagement at the local and global levels, intercultural knowledge and competence, ethical reasoning and action, and lifelong learning skills); and 4) Integrative and synthesis learning (p.3).

Embedded in these notions is the idea that these outcomes are connected to living and working in a contemporary free society and world that is global, collaborative and interdependent in nature. Yet, unfortunately, as AAC&U summarized, "...college students are underperforming in virtually every area of academic endeavor, from essential intellectual skills such as critical thinking, writing, and quantitative reasoning to public purposes such as civic engagement and ethical learning" (p.8). This underachievement does not bode well for the future workforce in America—not to mention our ability to compete globally. It is particularly distressing, that the United States continues to rank well below other industrialized democracies worldwide, such as Finland, France, Taiwan, South Korea, United Kingdom, Ireland, Spain, Japan, Canada, Iceland, and Germany (p.9).

Some of the observations outlined above are reinforced by Hart Research Associates (2010) in "Raising the Bar: Employers' Views on College Learning In The Wake of The Economic Downturn." Based on survey data obtained from U.S. employers, this consulting company provides summary information that gives added support for a liberal education as made by AAC&U and presented above and condensed here: Knowledge of human cultures and the physical and natural world (global issues, science, technology, cultural diversity worldwide), intellectual and practical skills (oral and written communication, teamwork, critical thinking, creativity, problem solving, and analytical reasoning), personal and social responsibility (civic knowledge, participation and community involvement, and ethical decision making), and integrative learning (problem solving, internships, real-world applications) (p 1-2, Hart).

As stated earlier in this book, the authors believe in the necessity of integrating the notions of work, citizenship, and living in a world that is undergoing change at warp speeds and, therefore, producing added complexity, anxiety, and uncertainty in our lives. This is one of the core reasons

why the case study method is increasingly being used in college and university curriculums. The goal is to help learners acquire multi-disciplinary, scholarly scientific research, and couple it with experiential learning, and apply it effectively to a wide spectrum of settings, issues, and problems—incidents, cases, and "...issues of organizational living."

A previous graduate learner who had completed a curriculum composed of case studies in nearly every course he took, thus a decidedly problem-centered focus, informed the authors on the value of learning associated with formulating a problem, comprehensively reviewing the professional and academic literature, preparing a research prospectus and then executing the various stages of an empirical research design, and then developing an implementation strategy, and finally, evaluating the efficacy of the solution to a major administrative problem. He stated the following.

> Unless I'm mistaken, years ago science fiction consisted of far-out notions such as "The earth is round" and "The earth is not the center of the universe." Look where such free-thinking has gotten us. Today's managers must be much more creative and intellectually diverse than ever before. [Although] science-fiction stretches the notion of what is attainable in creative and previously undiscovered ways...management must be ready to adapt to situations that were not present in the organization 5, 10, even 20 years ago. Take the extraordinary, apply it to the ordinary, and see what happens. Thinking outside the box is crucial in management. Why not use material from the experts in outside-the-box thinking, and apply it to real, concrete situations from our world today?

Although he was unaware of the philosophy and recommendations set forth in College Learning for the New Global Century, he is an observer of the world of organizations in which he lived and his views are also supportive of the problem-solving approach which will be discussed next.

Case Analysis Using the Problem-Solving Approach

In using the case study method, the case problem or issue rises to the pinnacle of importance. In presenting the problem, the authors struggled with insuring that the following six admonitions were in place: 1) That the incident or scenario was presented in a real context; was a challenging, but not overwhelming problem; an open-ended problem to some extent that required careful formulation of assumptions; that was motivational; required interaction among the learners, both students and faculty; and, a problem that integrates the economic, social, ethical, environmental and technical dimensions of the problem (http://www.intelcasestudies.com). If these tenets are followed, the authors believe, the participants will have engaged in an active, rather than passive, learning mode; they will see how the case relates to reality; and they will have engaged in problem solving situations that ideally will be transferable to other administrative or managerial or policy problems they face in their work experiences. The four higher learning issues identified by Velenchik (1995) are: motivation to learn theory; application of theory; use of evidence; and, limitation of theory. In brief, students will want to learn theory, they will use their reasoning skills, they will look for quantitative evidence, and realize that there are many unintended consequences of their decisions which may require additional concepts, techniques and notions which are drawn from disciplines outside the characteristic ones that make up the social sciences.

Meyer, et al, noted in their seminal work on *Practicing Public Management: A Casebook* (1976), that case and problem-based learning is associated with improved learning, improved retention, application and comprehension of learning, as well as the more subtle attributes of being able to engage in problem formulation, analysis, and the integration and synthesis of knowledge and experience (Velenchik, 1995). In their discussion of problem centered learning they emphasized that learning takes places in a dynamic context and that there is not just one way to answer or address problems or issues raised, but that the principle of *equifinality* (different experiences, conditions, environments, competitive advantages, and strategies may lead to similar results or outcomes) is present. Nevertheless, learners using the case- or problem-based scenarios should be careful that they have identified the facts and concepts imbedded in the case and also the relevant, underlying assumptions of the case (Kreber, 2001).

Many of the notions mentioned above were well researched and explicated by Bloom in his well-worn and often used *Bloom's Taxonomy* (Anderson, et al. 2001). Bloom's classification is graphically displayed in a stair-step format going from the lowest rung, "knowledge," to the highest rung, "evaluation." On the base, as shown on **Exhibit 1**, Bloom places the category of "Knowledge"—memorization and remembering; at the next higher levels are "Comprehension"—understanding the information and the ability to paraphrase or restate in one's own words; "Application"—the ability to use the acquired information to solve problems in new and basic situations; "Analysis"—the ability to breakdown information into their useable parts, identifying explanatory factors, making inferences and identifying appropriate evidence; "Synthesis" the ability to combine new ideas, groupings, organizations or taxonomies creatively or originally; and finally,

"Evaluation"—assessing the information learned in relations to judgments of what is of worth personally and general decision making, appraisal and problem solving (Anderson, et.al., 2001).

Perhaps no one has presented a more useful and often replicated set of categories or level of cognitive development than Bloom and because of its parsimonious features, it is often used in learning development and theory.

Exhibit l. Bloom's Taxonomy of Cognitive Development (Modified with Verbs)

					Evaluation
				Synthesis	Solving
			Analysis	Hypothesize	Interpreting
		Application	Comparing	Predict	Justifying
		Discovery	Generalizing	Design	Criticizing
		Computing	Combining	Build	Assessing
	Comprehension	Using	Disassembling	Create	Deciding
	Appraise	Showing	Arranging	Invent	
	Simplifying	Collecting	Inferring	Formulate	
Knowledge	Classification	Outlining	Grouping	Develop	
Listening	Paraphrasing	Correlating	Categorization		
Recalling	Understanding	Operationalization	Prioritization		
Describing	Summarizing	Implementing	Integrating		
Selecting	Comparing	Adapting	Organizing		
Enumerating	Restating	Showing	Differentiating		

In addition to being influenced by Bloom, the authors were also influenced by an article co-authored by Huub Spoormans, Open University of the Netherlands, and Sophie Vanhoonacker, University Maastricht, in the Journal of Public Affairs Education (2005:2:95-103) entitled "*Problem-based Learning in European Public Affairs*" which discussed a unique education model being used at University Maastricht. Impressed by the learning method used at Maastricht, the authors, along with a group of their graduate students, arranged for an in-depth interview and presentation of problem-centered learning by Dr. Vanhoonacker at University Maastricht in 2006 (Sample, Executive Report, 2006). In brief, we learned that from the initial enrollment at the university, each student is assigned to a small study group and begins working on a problem that has been formulated and structured by the faculty. In the final analysis they are charged with the responsibility of solving the problem in a collaborative manner using Problem-Based Learning (PBL). The university was inaugurated in 1976 and since then has used PBL designs exclusively in bachelor- and master-level degree programs in areas as diverse as econometrics, law, medicine, health sciences, business and engineering.

In summation, PBL teaches the student to be self-directed in her/his education so that this skill competence can be translated or transferred into professional life. It is a truism that the

administrator or policy analyst must adapt to and participate in the many dimensions associated with dynamic organizational change and behavior. Accordingly, to fully participate, this requires that one has the ability to effectively communicate, critically reason, approach problems logically and analytically, have reasoned decision-making, and be comfortable in one's own self-evaluation, and learn the value of reaching group consensus. By challenging the student to learn how to learn and how to find solutions to real life problems, PBL can effectively assist the student in becoming a more competent and innovative professional.

This book is composed of real-life scenarios and no matter how much we have "idealized PBL" these carefully written case studies are no substitute for experience, but their simulation of experience can be useful. In a vicarious manner, class participants can apply what they have learned substantively and experientially to new situations. They can use the classroom as a learning milieu in which they can try on a remedy, suggestion, or solution and discern, with constructive feedback from peers, how their idea resonates without experiencing the fear of failure or the threat of being punished. In this way we can share some of the real-life experiences of professionals involved in conducting human relations, and the people's business, and develop the ability to look at a situation or problem from different points of view, thereby broadening our understanding of the issues involved in the cases.

As the authors have suggested, there are some deficiencies and dangers in the case method. The cases, incidents, or situational narratives must always be simplifications. All the facts in a scenario, conflicts among individuals and between organizations, and emotional interplay among participants cannot be set forth in a case study. It is not life, but a clouded mirror of life. Solutions that seem practicable in a classroom discussion, courses of recommended conduct that seem so irreproachable, and conclusions that seem so bright and cogent often will not work in everyday affairs. Sometimes solutions are defeated by the contrariness of organizational members or by the constraints of the system—time, human resources, financial, political and information. Thus, learners who excel in classroom explication should not become delusional in letting themselves think they have mastered the art and craft of public administration.

For John Dewey and Peter Drucker, the classic problem solving model was proposed in these steps and might serve us equally well in the case analysis.

Step 1. Assemble the facts that bear on the problem;

Step 2. Clarify the problem by defining the issues;

Step 3. Propose and evaluate suggested solutions (alternatives) or course of action; and

Step 4. Determine which one seems best in view of the circumstances.

In the analysis of the intricate and complex human relations, behavior problems, and managerial problems, etc., that are presented in the case studies, few methodological approaches have their equal with the uses of the scientific method as a problem-solving approach.. Although this

model of discovery is now under attack in some quarters of society, it has for centuries stood up to the tests of empirical verification, replication, peer review and its usefulness in actually solving problems. And there is no doubt that our society, and the world in which we live, has felt the impulses of scientific discovery whether it is in the fields of engineering, electric computers, robotics, biosciences, communication, transportation, food and energy policy, disease and death control, nanotechnology and other dimensions too many to enumerate here. Nevertheless, one of the salient features of this powerful method is that it is *actually used to solve problems*—not just to present contrasting or supporting viewpoints or suggested courses of action.

Scientific method as a problem solving approach enables us to be empirical and objective, rather than subjective and normative in how we acquire knowledge. Based on the triple objectives of discovery of data and the interrelationship among the data, to explanation, and prediction, it enables us to use sensory perception (sight, hearing, taste, etc.,) in such a way as to overcome the common errors that are often made in our attempt to understand nature (the world around us). We are all too well acquainted with our own biases, prejudices, misunderstandings, overgeneralizations, personal (normative) judgments, opinions, groupthink, and what psychologists identified as selective perception—seeing pretty much what we want to see based on the assumptions we hold about nature. Thus, the scientific method is basically an approach to the accumulation of a body of knowledge, a special kind of human inquiry.

In addition, and this fact is generally misunderstood, what makes something scientific is NEVER what is studied, but rather the methodology that is used to study phenomena. Therefore, because of our desire to be objective in the study of human behavior and the understanding of human and organizational relations, we propose the use of the scientific method. But once more, we must proceed with caution; remain objective, careful, and systematic coupled with a healthy dose of courage and imagination. The procedures or steps involved in the scientific method can be easily summarized as follows:

Step 1. Identification and statement of the problem and clarification of the issues;

Step 2. Survey the primary and secondary literature of the field;

Step 3. Gather as much data and facts about the case or problem under study as feasible;

Step 4. Develop a hypothesis or suggested (tentative) solution or course of action to the problem;

Step 5. Propose and evaluate suggested courses of action or solutions;

Step 6. Select a useable sampling procedure (especially important for basic discovery oriented research);

Step 7. Collect data that are sufficient, accurate, relevant and ascertainable (collectable);

Step 8. Aggregate the information into meaningful groupings (categories or taxonomies), by classification or policy type;

Step 9. Analyze, interpret and report the data;

Step 10. Conclude as to the correct answer to the problem—which course of action seems best; and

Step 11. Implement the answer or the solution. If it is sufficient, eureka! If not, begin the ten step process once more.

More commonly used than the elaborated scientific eleven-step method is the simplified, four-step model that Dewey and Drucker proposed. One of the virtues of the problem solving method is that we learn to objectively view the perplexities arising in human relations, management, administration, or public policy in our analysis. We also learn to avoid prejudgment and bias and free ourselves of emotionalism. We learn to think about human situations and deal with people who actually behave like "real, flesh and blood and emotional" people—that is, some who do things that make no sense and defy all reason and logic, and others who act in meaningful, purposive ways with unbelievable levels of integrity, insight and competency.

Finally, in addressing these regular procedures for analysis that have been outlined above, it is also desirable to add these other questions in assessing the judgments or decisions you have made: Is it legal, ethical, desirable, sustainable, feasible, practicable, important, and necessary?

The factors mentioned above that deal with the scientific method and problem-solving approach and attendant concerns are essential if we are to apply knowledge to action. Nevertheless, our decision-making must also take into account several additional elements if we are to meet our social, environmental and ethical responsibilities. This requires a view of leadership that is inclusive and sustainable in a global economy—one in which we understand the experiences and perspectives regarding race, gender, nationality, ethnicity and culture, etc., for different historical periods and for different regions of the world. In this regard, the study of management and human relations is cast within the broader context of intercultural communication and awareness, ethical stewardship, inclusiveness, sustainability and individual and civic responsibility and enhancement.

A casual walk through the rich literature directed at effective learning required for the 3rd millennium, takes us on a journey that demands new curriculums in our colleges and universities. The set of concepts, principles, and notions that are presented are robust and are complementary of one another, rather than oppositional. For instance, one sees the importance of learning from an experiential level to coupling it with academic, theoretical learning; developing intellectual, integrative, and practical skills that facilitate practical judgment, inquiry based knowledge and application; learning how to put knowledge and experience into action; solving problems collaboratively and collectively through experimentation, problem solving or dealing with real-organization (world) problems; recognizing the practicalities associated with inquiry, analysis and innovation when engaged as project-based or problem-based learning and encompassed in case studies; and the essential aspects of integrative learning essential if one is to be effective in a new world of interdependencies, discoveries, and innovations associated with a global economy, global citizenship and its common expectations. A central thread that is woven through this new learning

fabric is that of problem solving—the "craft" of being able to connect the theoretical with the ability to solve problems, combined with the necessity for clear oral and written communication. As authors who have embraced these 2lst century expectations associated with global learning, we have purposively built these dynamic principles presented above into our written incidents.

We understand that mental activity goes on continuously during a person's waking and sleeping hours, but this stream of consciousness hardly constitutes thinking. However, when the images, notions, and impressions arising in the brain are subjected to order we begin to engage in purposive thought and problem-solving activity. Now, having provided a thumbnail sketch of what issues and techniques are connected to the study of management and administration problems, we exhort you to enjoy your personal educational and experiential journey as you read and analyze these cases and as you begin *Solving Public-Management Problems: A Case Study Approach.*

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Deals with function & obligations with government

1

A Cutback Emergency

by
C. Kenneth Meyer and Stephen L. Woehrle

Governor James Oliver appeared on the state's public television network to announce that the state's income could be $60 million short of projections by the end of the fiscal year. Not wishing to increase taxes in a declining economy and prohibited by the constitution from incurring a deficit of more than $200,000, the governor said he was ordering a 5 percent cut in the budgets of all government departments and agencies.

"I want the cuts to be uniformly made so that nobody can say I'm picking on one department or one state agency," said Governor Oliver. "Department heads will decide cuts within the agencies, and outlines of planned cuts must be in my office within three weeks."

The governor's announcement shocked Vincent Scotch, chairman of the State's Board of Regents for Higher Education. The board was responsible for the administration of the state's seven universities and colleges. Scotch called an emergency meeting of the board and outlined the problems of cutting $6.2 million from the college and university budgets.

"Eighty-two percent of our funds are spent on employees," Scotch reported. "Additionally, a labor contract with the union representing the faculty at colleges and universities forbids us from laying off tenured faculty members during the term of the contract."

The board members agreed that the best way to implement Governor Oliver's budget cuts was to order the seven college presidents to formulate a five percent cut at their institutions.

But after the meeting, Robert Lewis, director of the faculty union, stated, "We'll go to court if necessary to prevent the regents or presidents from laying off faculty members in the current fiscal year regardless of whether they are tenured. The union contract specifically says that in all cases tenured faculty members will complete their existing appointment contracts and that non-tenured faculty members may have their contracts terminated this fiscal year only if there is an emergency financial exigency. This hardly qualifies as an emergency financial exigency."

The day following the regents' meeting, Amanda T. Yarberry, president of Central State University, met with her vice-presidents for academic affairs, administration, and student services.

She handed them a copy of the school's current budget and told them to formulate a plan showing a five percent budget reduction in each of their respective areas (see **Exhibit 1**).

Carl Nute, vice president of academic affairs, felt across-the-board cuts, for each area, were unfair. "Not every unit in this university contributes equally to the goals, purposes, and basic function of the university," he declared. "Before cuts can be made, priorities must be established and programs examined on a university wide basis to determine the impact the cuts will have on the students, the employees, the people of the state, and the primary purposes of a university, which are teaching and research. Intercollegiate athletics and administrative-support services are secondary and they should bear the brunt of the cuts."

"I couldn't agree with you more," responded President Yarberry. "I'd like to sit down with the three of you and establish program priorities on a university wide basis. However, I have only one week left to get these budget-reduction plans back to the regents, and participatory management doesn't work when you're dealing with budget cuts."

President Yarberry then handed each vice-president a copy of the budget cuts she had prepared for her own office (see **Exhibit 2**). "It's not easy cutting your own budget," she said at the end of the meeting, "but we're not being paid to make easy decisions."

The next day Vice President Nute met with the deans of Arts and Sciences, Business, Education, Fine Arts, and Law. He informed them of President Yarberry's order and passed out a copy of their total budget classified by tenured faculty salaries, non-tenured faculty salaries, and uncommitted salaries—budgeted salaries for positions not filled due to late resignations or difficulty in finding qualified people (see **Exhibit 3**). Nute then requested suggestions from the deans as to which programs and areas were of lowest priority and therefore should absorb the greatest share of the five percent cut.

Dean Walter Stark of the School of Business was quick to respond. "The first reduction has to come from uncommitted salaries," he said. "Those cuts could absorb over two-thirds of the reduction allocated to us."

"Taking $266,964 of budgeted salaries would cost Arts and Sciences four teachers of professorial rank," Dean Dale Schultz said. "We're up for accreditation this year and we need those slots filled."

"You haven't filled those positions in two years," replied Dean Stark. "Uncommitted salaries indicate waste and should always be the first target for budget cuts."

"Uncommitted salaries don't always indicate waste," retorted Dean Caxton Turner of Fine Arts. In the past Dean Schultz and I were conserving our resources and now you want to penalize us for it."

The meeting soon degenerated into loud argument, but finally Nute was able to bring the group back to order. "This is getting us nowhere," he said. "I want each of you to draw up a plan to reduce your budget by 10 percent. Tomorrow we'll meet again and together prioritize your proposed budget reduction from the "first-to-go" to the "last-to-go" till we hit our target 5 percent reduction."

"That's not fair," said Dean Philip Carter of the School of Education. Some of us will end up having our budgets reduced by 10 percent wile others may have no reduction."

"Meeting adjourned," Nute said firmly.

The next day Nute met with the deans and reviewed their planned budget reductions. Not one of them had reduced his or her budget by even five percent. (see **Exhibits 4 - 8**).

Questions and Instructions

1. Assume you are Vice President Nute, what would you do next?

2. Compare President Yarberry's approach to the budget-reduction problem with Vice President Nute's approach. Which do you prefer?

3. Do you feel the regents should have participated more in deciding specific budget cuts? Why or why not?

4. What type of contingency plan, if any, should President Yarberry prepare in the event of future budget cuts?

5. What is cutback management? What are some of the implications associated with cutting back? Explain.

6. What cutback tactics might be used in addition to mandating an across-the-board 5-percent budget reduction?

7. Are there any functions, projects, or activities that the colleges and schools might stop completely or get other agencies or levels of government to carry out? Are there any areas where labor costs might be reduced by capital investment in labor-saving forms of technology? What activities might be done more efficiently at Central State University? What activities might be done more efficiently at your own university or college? Prepare a list and discuss.

8. Social scientists have extensively researched the subjects of motivation and barriers to organizational change. Cutting back during a period of resource scarcity may bring about changes in the level of resource consumption, number of employees, level of job satisfaction and employee morale, level of employee productivity, and the attitude of employees and clients toward support of government. Is there anything known about the characteristics and dynamics of change that might make it easier for Vice President Nute to get the reduction he has asked for? Explain.

9. Are there any ethical implications associated with cutback management and politics? Does the university or any other organization of government have an ethical responsibility toward its terminated employees or toward the clients it serves?

Exhibit 1. Total Budget of Central State University

ACADEMIC AFFAIRS	
College of Arts and Sciences	$ 8,234,076
School of Business	2,053,994
School of Education	3,687,484
College of Fine Arts	2,046,364
School of Law	2,257,488
Vice President of Academic Affairs	155,806
Subtotal---Vice President Nute	$18,534,212
ADMINISTRATION	
Intercollegiate Athletics	698,828
Business/Finance/Personnel	1,369,032
Computer Center	1,757,490
Educational Media Center	400,792
Central State University Research Institute	61,564
Physical Plant	4,981,178
Statewide Education Services	128,626
Vice President for Administration	96,212
Affirmative Action	37,398
Subtotal---Vice President Steel	$9,539,308
STUDENT SERVICES	
Student Services Administration	146,514
Admissions	288,662
Alumni	24,000
Financial Aids	207,038
Registrar	307,456
University Counseling Center	234,664
University Relations	156,410
Subtotal---Vice President Ore	$1,364,744
Office of the President	343,508
Convocations/Memberships	32,688
Subtotal---President Yarberry	$376,196
TOTAL	$29,814,460
PROPOSED REDUCTION: 5%	$1,490,723

Exhibit 2. Budget Cuts in the Office of the President

Item	Amount	Consequence
Harvard Seminar for College	$8,400	Breaking from Presidents policy of building professional development into the operating budget.
University Hospitality	$21,818	Reduce the level of hosting institutional donors, regents, legislators, lecturers, commencement hospitality.
Retirement Seminars	$4,800	Discontinue a service that has been provided for individuals approaching retirement.
Campus Sign	$16,800	Abandon, again, a project that has been planned for four years, a project that would give attention to special campus events, etc.
Equipment Match	$19,200	Federal equipment funds will not be available as the result of not being able to provide matching funds.
Total	$71,018	

A late faculty resignation in political science resulted in a salary salvage of $49,826. Faculty turnover from a number of positions, either opened or filled at a lower salary level, resulted in a salary salvage of $24,000. The money normally would be used to fulfill the necessary requests for added sections in English, communications, and mathematics. The sections simply will not be taught, which may mean that students cannot take the courses during the second semester. Faculty turnover in psychology resulted in a salary salvage of $4,800. This money would have been used to hire additional teaching assistants in the psychology department with its two graduate degrees. Failure to provide it will mean that some potential assistants will do without or that other assistants will operate on a lower stipend. The elimination of matching funds for federal equipment grants will create a serious risk in providing these funds from remaining departmental resources if the grant applications

are funded. Loss of additional operating and maintenance funds in the amount of $31,200 will greatly reduce the potential of the college to fund a great many activities, including travel and speakers.

Exhibit 3. Total Budget for Academic Affairs

	Total Budget	*Tenured Faculty Salaries*	*Nontenured Faculty Salaries*	*Uncommitted Salaries*	*Remainder*
CAS	$8,234,076	$4,800,012	$2,162,160	$266,964	$1,004,940
SB	2,053,994	1,440,008	472,392	2,888	138,706
SE	3,687,484	2,440,272	549,472	58,478	638,962
CFA	2,046,364	1,421,058	141,536	244,434	239,336
SL	2,357,488	1,407,290	125,096	49,124	775,978
VPAA	154,806	114,866	---	---	39,940
TOTAL:	**$18,534,212**	**$11,623,506**	**$3,450,656**	**$621,888**	**$2,837,862**

CAS – College of Arts & Sciences, Dean Schultz
SB – School of Business, Dean Stark
SE – School of Education, Dean Carter
CFA – College of Fine Arts, Dean Turner
SL – School of Law, Dean Samuelson
VPAA – Vice President of Academic Affairs, Dr. Carl Nute

Exhibit 4. Dean Schultz's Proposed Budget Reduction for the College of Fine Arts and Sciences

Faculty Salaries	$78,626
Contractual Services	19,200
Supplies & Materials	12,000
Capital Assets	19,200
TOTAL	$129,026

Exhibit 5. Dean Stark's Proposed Budget Reduction for the School of Business

Faculty Salaries $2,888.

Impact: Loss of these uncommitted salary funds would make it impossible to hire student labor.

Exhibit 6. Dean Carter's Proposed Budget Reduction for the School of Education

Faculty Salaries	$66,720
Part-Time Temporary Services	6,740
Contractual Services	4,800
TOTAL	$78,260

Impact: A resignation in a recreational position resulted in a salary salvage of $66,720. We will ease attempts to fill this vacancy created by a resignation after the start of this school year. Classes for second semester will be covered by part-time faculty and teaching assistants, as is being done in the first semester with funds budgeted for the position. Labor budget would be reduced by $6,740. Grants and external funding will be sought to accomplish the tasks expected to be covered in this funding during this year. This is a one-year reduction unless new funding sources are found, which appears very difficult for the tasks expected from these funds. The planned addition of another computer terminal for student use in the School of Education will be delayed for this academic year.

Exhibit 7. Dean Turner's Proposed Budget Reduction for the College of Fine Arts

Faculty Salaries	$ 90,032
Travel	2,400
Supplies & Materials	8,366
TOTAL	$100,798

Impact: Salary salvage in the amount of $56,216 in music will be generated due to open visiting artist positions and one faculty member on leave without pay. These funds have been identified for partial payment for a Steinway "B" piano. The department does not own one of these essential instruments. This is an exceptional opportunity to acquire a piece of equipment otherwise unattainable. This money must be returned to music department personnel next year to return professors currently on leave to their contracted salary base. Failure to do so would necessitate terminating part-time faculty and graduate assistants. Open visiting artist positions in art will generate salary salvage in the amount of $33,716. Loss of these funds would destroy departmental efforts to expose resident art students to artists of regional and national reputation. This money must be available next year to cover sick-leave payment obligations. A reduction in operating and maintenance in theater would curtail faculty development, departmental outreach, and business operations. It would delay the replacement of worn and outdated equipment and further restrict departmental ability to prepare theater majors with professional skills and knowledge.

Exhibit 8. Dean Samuelson's Proposed Budget Reduction for the School of Law

Travel	$14,400
Impact: Travel by law-school personnel is essential for recruiting students, recruiting faculty, and keeping current in developments of the law. Loss of this money will require disapproval of some travel requests already submitted for out-of-state attendance at law institutes, workshops or professional meetings on new legislation, court decisions, and development in the field of administrative law. Travel for recruiting and instate continuing legal education will not be reduced.	

This deals with right person for the right job.

2

A Hiring Dilemma: Recruitment from In-House Versus from Outside

by
Randy Edwards and C. Kenneth Meyer

The Law Enforcement Bureau of the state Department of Natural Resources (DNR) was comprised of nearly 100 full-time employees, including a chief, assistant chief, six district supervisors, a safety education programs supervisor and 86 field conservation officers, a training coordinator, a snowmobile/ATV program coordinator, a boating education program coordinator and an administrative assistant. There are also 42 seasonal water patrol and ATV enforcement officers.

One of the district supervisors was near retirement age and it was decided that it would be beneficial to hire his replacement early to allow an overlap whereby the outgoing supervisor could help train and familiarize the new, incoming supervisor with the day-to-day tasks of supervising the 14 full-time conservation officers and six seasonal officers in the 16 county district in the northern area of the state. The district budget was approximately $1,471,100.

As assistant chief of the law enforcement division of DNR, Charles McHenry led the selection panel. The interview team was comprised of three men and two women, the Conservation & Recreation division administrator, the assistant division administrator, the bureau chief of the Customer Service Bureau, the chief and assistant chief of the Law Enforcement Bureau). Obviously, the chief and assistant chief were experienced conservation officers, and all members of the panel were seasoned public servants with nearly 85 years of departmental experience and memory. The interviews were conducted on a Friday afternoon.

McHenry had a reputation for fairness and probity and was respected for being a stand-up kind of guy. He prided himself on being honest and his professional integrity was unassailable. He had earned the respect and trust of his colleagues over many years of service and the officers felt he represented their professional and personal interests always! As a career law enforcement officer he was troubled by what he came to believe was an avoidable tension that often surfaced between those in the department who saw the value of filling administrative positions from the outside and those who felt that internal hiring, when done for the right reasons and done properly, epitomized successful career succession planning. His passion for fairness soon was to be put to the test over the recruitment and selection of a public service executive 2 position (a district law enforcement supervisor).

As they whittled down the long list of applicants to a short list of three, they engaged in a timely discussion while making their assessments based on the job description and job qualifications, as shown in **Exhibit 1, Vacancy Announcement, Public Service Executive 2**. As they rifled through the applications, they commented to one another on the subjectivity that was often found when they had to make equivalency ratings between the value given to education and that of relevant experience. The conservation and recreation division administrator laughingly stated that their task "...was like that of a sausage maker. If done right, the final outcome was delectable, but no one would want to eat it if they actually saw how the sausage was made." In short, it was considered to be an imprecise, subjective, and messy enterprise. Ultimately, three qualified finalists were interviewed for the position.

The final top two candidates, John Bevington and Mark Ramsey, varied substantially in terms of the type and years of law enforcement experience that they had garnered and their personal profiles have been abbreviated as follows.

John Bevington's Profile

The most senior of the candidates was John Bevington. He was relocating to the capital city from a large town on the western border of the state. John's wife, Gloria Quade, had just obtained her ultimate career goal as an administrative support staff person at Central State University, located in the capital city. John informed the interview panel that he had left his current position as police chief to enable Gloria to fulfill her own career goals. Coincidentally, for John, the DNR had recently posted the job vacancy for the district supervisor position which was housed in DNR's central office and also located in the capital city.

Bevington informed the panel that he had just resigned his position as Chief of Police of the city of St. John's Bay, a position he had held for seven years. John had excellent credentials and experience in the field of law enforcement and administration. His department was comprised of 161 sworn officers, 47 full time civilian employees and 25 part-time crossing guards, and he managed a $20 million budget. In addition, he directed law enforcement and crime prevention services for a city of nearly 100,000 people, that responded to about 140,000 annual calls for service yearly in a geographic area of 64 square miles. Under his watch, the department had received National Law Enforcement Accreditation during his third year as chief and was approved for re-accreditation a few months ago.

In the five years previous to becoming the police chief, he had served as the county sheriff in the same county, Alfalfa County, where he later became police chief. As sheriff, he managed a staff of 140 full time sworn and civilian personnel and a reserve deputy unit comprised of 30 sworn volunteers. The Sheriff's Department had a budget of nearly $9 million and two jails with a capacity to hold 210 inmates. Alfalfa County had a population of just over 190,000 citizens. John had run unopposed for a third, four-year term when he was recruited to fill the Chief of Police position, and he felt honored that he had been unopposed at the last election.

John also possessed a B.A. degree in Criminal Justice and Psychology from a private in-state college and was also a graduate of the F.B.I. National Academy for Police Executives. Overall, he spent 22 years working his way up through the ranks of St. John's Bay Police Department before running for Sheriff. Earlier, he spent three years in the U.S. Army as an infantry and military police officer.

Committee Discussion

The selection committee felt that John Bevington had scored very high when he answered the panels' questions relating to general law enforcement, management, budgeting and supervisory matters. His 34 years of experience and achievements were impressive and much of this previous experience could be used in advancing the professionalism of the DNR officers.

The panel found it troubling, however, that when asked detailed questions about the DNR and the specific role and responsibilities of the district supervisor (and conservation officers), that Bevington was generally not conversant with the DNR. He freely admitted that he had little knowledge of either its main functions or its organizational structure. He added that his only experiential reference was from the limited camping and boating that he had done over the years, but that neither he nor his wife are avid outdoor enthusiasts. Further, he informed the panel that he had applied for several other job opportunities in the area.

Mark Ramsey's Profile

Conservation officer Mark Ramsey scored the second highest on the selection criteria. Ramsey's experience first began as a seasonal employee with the bureau where he worked in water patrol enforcement at one of the largest state lakes, Blue Angel Lake, before becoming a full-time, permanent employee with DNR. Additionally, he had several years of seasonal experience in the department's Wildlife Bureau trapping turkeys for relocation and working waterfowl check stations. Mark had a passion for and a good understanding of the state's natural resources. He was also an active hunter, angler, boater and had substantial experience working with several conservation stakeholder organizations—groups that respected and trusted his judgments. Overall, he had been a state conservation officer for eleven years and his experience was further bolstered by the bachelor's degree in biology that he earned from the state's major university.

During his tenure with the DNR, Mark had distinguished himself in a number of areas and had received numerous accolades from a variety of private and public entities. He was among the top performing officers in the bureau and had been recognized by one of the largest constituency groups as their selection for Outstanding Conservation Officer of the Year. The department had also twice recognized him for Outstanding Performance and Meritorious Service and he was routinely involved with making major arrests in the fish and wildlife areas.

In addition to being well liked, he was recognized by his peers for his extraordinary people

skills and congeniality. Over the years, he was present at a number of fatal boating accidents and drowning cases and during these tragic events, had worked closely with the immediate family members and was known for his empathy. Family members had informed central office by letters of thanks and commendation for his kind demeanor, professionalism and compassion—traits which were also acknowledged the director of the DNR.

Mark had a thorough understanding of state and federal fish and wildlife regulations and was up to date on the personnel and inner workings of the department and the Law Enforcement Bureau. He had attended a large number of in and out-of-state training sessions on a variety of conservation law enforcement topics.

Committee Discussion

Panel members knew that Mark had wanted to become a district supervisor and had worked hard to prepare himself for this promotional opportunity. They knew he had personally asked some of them about what he could do to best prepare himself for career succession, and he had followed their recommendation by taking the twelve mandatory management and supervision courses called the Applied Management Series (AMS).

The committee also noted that Ramsey had spent time with each of the district supervisors, the assistant chief and the chief himself, asking them questions about the role of the supervisor, and posed questions about the pros and cons of the position, what they liked, and how things could be made more efficient and effective. The panel knew from their own dealings with Ramsey, that he was the first to volunteer to come into the central office and fill-in when the current district supervisor was absent. This gave Mark an opportunity to experience first-hand what the supervisor did on a day-to-day basis and learn what was expected in a supervisory role.

The panel made special mention that Mark was selected to participate in the Certified Public Managers (CPM) program that was co-sponsored by the state and a local private college. Before he committed to the program, he personally talked to every DNR employee who had graduated from the program in order to get an insider's view of the breadth, scope and value of the program. During the interview he explained that he was nearing the completion of the seventeen-month program and expounded on the valuable things he had already gleaned from this professional training.

Comparative Panel Assessment

Upon the completion of the interview process, the panel agreed that John Bevington and Mark Ramsey comprised the short list of candidates. The panel had examined their application forms, resumes and asked probing questions that they had agreed to prior to the initiation of the interview process. Now that the personal interviews were conducted, the panel members sat in stone cold silence and waited for Division Administrator Avery to initiate the discussion—a discussion that would soon show a lack of consensus.

It was clear that John Bevington had the needed skills and superior experience lacking in Mark Ramsey and three of the members supported Bevington. Chris Avery, Division Administrator, said, "Bevington is clearly a tried, experienced, and skilled administrator and his package of traits would help the division and department move forward." The rest of the panel gave an affirmative nod for they too felt he clearly had a record of superior law enforcement activity and experience, especially in the area of administrative tasks and responsibilities.

However, as textbooks and experienced leaders are apt to point out, consensus is difficult to reach and that was the case here. Several members felt that the group should move slowly and look more closely on the relative experience of the two candidates. Certainly, while John Bevington possessed some very impressive credentials and had many years of top level supervisory experience, would he be happy in this entry-level supervisory role? What about his experience in the field of conservation enforcement? Although some in the department took a generic view that law enforcement was law enforcement, they were in agreement that this was essential to the job. However, some felt that conservation law enforcement was different in many ways and often even foreign to officers from other law enforcement agencies, at least that had been their collective experience.

Paula Jones, Chief of Customer Service, argued that Bevington's budgetary responsibility would be only a small fraction of what he had worked with in his previous positions, and that he would often find himself taking orders and direction from others who had less experience in law enforcement. Donovan asked, "Will Bevington be able to adapt to this new order especially after having been the boss for so many years?" Again, these comments were met with skepticism by the panel as they paused to ponder the implications of what Donovan had asked.

McHenry broke the silence and said, "John had admitted that he had scant knowledge about the department or how it functions. Although he had a career of experience, he knew nothing about the role of the supervisory position in the DNR nor that of the officers that he would be supervising." Jones agreed and said this was a "… disconcerting fact." She added, "While John is clearly intelligent and capable, don't you believe that more consideration should be given to the need for knowledge of wildlife law enforcement and natural resource protection? Shouldn't this be necessary criteria for a conservation law enforcement *supervisor*?"

McHenry reiterated the major concern that the panel had voiced and asked again if knowledge and understanding of state and federal fish and wildlife laws with their respective nuances, along with the regulations related to all-terrain vehicle and snowmobile operation, boating, trapping and a myriad of other outdoor activities was imperative to success in this field. Then in a firm and assertive voice stated, "Hunting and fishing are highly regulated activities. It takes years to get up to speed on these many, detailed and complex topics and understand their specific applications."

When the panel discussed Mark Ramsey, it was clear that he lacked the budgetary and administrative experience, although the district office that he would work from was actually in the

central office of the DNR, and just around the hallway from the budget and finance department. Avery said, "Given Mark's personality, these folks would be delighted to work with him to get him up to speed on division and department budgetary processes and procedures."

Arnold Smith, Chief of the Law Enforcement Bureau, agreed and further muddied the discussion by saying, "The department had been making every effort over the past few years to implement a variety of opportunities for career succession planning for supervisory positions." He added, "We all know that nearly one-half of our supervisory staff will be replaced over the next five years to retirement." Then he added, "Seminars are routinely conducted for those persons who desire to learn more about the roles of supervisors and expectations within the agency. In fact, all of the department supervisory staff are required to attend and complete the AMS program, and applications for the CPM program are growing every year."

A Hiring Dilemma

The panel agreed that the two finalists, Ramsey and Bevington, met equally the minimum requirements for the supervisory position. What had begun to bother them as the discussion unfolded was that Ramsey had been an outstanding, long-term employee who had done virtually everything he could to properly prepare himself for advancement. They wondered if it was fair to pass over him in preference to someone from the outside. And, more importantly what kind of message would this decision send to those who thinking about career progression in the department? Chief Smith stated, "It really bothers me that after an excellent employee gets nearly a dozen years of employment experience, training and professional development in this agency, that the lack of supervisory experience, when it is not specifically required in the job description, should carry so much weight."

After some further discussion, Chris Avery, seeing that consensus would not be found easily, instructed the team to study over the weekend the interview responses, resumes, and the position description as presented in **Exhibit 2**. He quickly added that a decision would be made on Monday morning! Then he concluded the meeting with the following admonition, "I want the candidate selection to be *unanimous*. After all, the group is hiring a *supervisor*."

The meeting was adjourned and a long, stressful weekend of soul searching began.

Monday Morning: Time to Hire

Members of the selection committee were convened around the massive conference table in the executive office and they began to discuss the implications of hiring from within versus hiring from without. McHenry began the discussion by saying, "We are all seasoned employees of the department and we have our own reasons for supporting candidates from the in-house pool rather than the outside pool. In order to kick off the discussion and get our views laid out on the table, I propose that we first list some of the reasons for hiring from inside. Later, we will list the reasons that are supportive of hiring from the outside. Basically, we will use a modified brainstorming process. When

we make an argument, if you wish, you may follow it with a brief rationale. So, let's begin."

Elizabeth Donovan, Assistant Division Administrator, began, "I think that hiring from the inside is generally a good idea. It seems to me that it keeps the comfort levels of rank and file employees in the moderate range when an inside hire is made, especially when it is a supervisory position. New supervision brings with it a number of anxiety producing tensions." Jones retorted, "I agree. By promoting from within, we tend to get people who know the workforce, know and understand the kind of work we do, are familiar with the culture and politics of the DNR. That fact alone tends to shorten the learning curve, and makes the transition from supervisor to supervisor proceed more smoothly, quickly and with a minimum of disruption."

Chief Arnold Smith joined the conversation and stated that he agreed with Donovan and Jones and added, "Promotions from within are good in the sense that they reward those employees who have distinguished themselves in their work and work ethic and see that their efforts have not gone unnoticed by higher management." He then said, "What incentive is there to succeed and move up the ladder if the bulk of management new hires come from outside the agency? I believe we can grow good candidates through our training programs and give them the chance to demonstrate that they have the right stuff when it comes to leadership. Don't you think that good leadership begets good leadership traits and behaviors in others?" Several good arguments had been presented and the group looked around the room as it once more fell into complete silence.

Donovan broke the silence and said, "I can see how bringing in a person from the outside might also be beneficial." She elaborated, "Outsiders often bring a fresh view to the workplace; they might have new ideas, an awakened sense of objectivity, and be steeped in more effective ways of doing things. Generally…well…they might just get management and employees out of their comfort zone and paying attention to the type and quality of work that is getting done. Although an outside hire can signal that it's not business as usual, they can truly be agents of change—and that is a good thing."

Avery joined Donovan with a "Yes," and added, "A new person can come into the job without any baggage, eliminating any preconceived notions or facts that people may have about an internal candidate. We should all keep in mind that if the DNR promotes employees that are average or below, this will reflect negatively on our decision-making ability and image we are attempting to create. We have seen it before and we will probably experience it again, that we cannot afford to send a message that only the mediocre need apply. That cannot be our standard."

Paula Jones had waited patiently as the others joined in the discussion and was caught up with what Avery had just said. She stated, "If I might put in my two cents worth, there is no question that it is difficult to build and sustain a competent, positive, innovative and exciting work environment with the same folks over a long period of time. Also, there may be those instances where we have no real "top-notch" internal candidates for a particular position. Of course, in that case, going to the outside is clearly the right thing to do for the betterment of the organization. Promoting people

just because they have been in the division a long time or that they happen to be readily available is not a good practice in my view."

McHenry was more engaged in the discussion than during previous committee meetings. He said, "The very first question we have started asking candidates, particularly for supervisory positions, is, 'Specifically, what have you done to prepare yourself for this particular position?' This item can produce results that are very telling. Obviously, we are looking for folks who have tried to not only learn what they can about the specific responsibilities of the position, but also what they have done to truly prepare for career advancement such as taking classes, job shadowing, going to seminars, and the like. I thought we all were in agreement that the agency has attempted to find the right people, with the right skills, for the right job at the right time. Isn't this analogous to getting the right people on the bus as we learned in the book by Jim Collins, *Good to Great*? We know this is not an easy task but it is one of the most essential tasks that any leader can perform."

McHenry's points were generally greeted with nods of appreciation and with a positive acceptance. Then, Chief Smith stated, "In the past, we sometimes hired with the understanding that what Avery just stated could be learned *after* they get the promotion. In my opinion, it's far too late by then. I want to hire supervisors who can come into the job with at least a basic, realistic and practical understanding of the major expectations and fundamentals of supervision, management and leadership. Effectively supervising, managing and leading employees is difficult, particularly when it comes down to those rare instances when disciplinary action must be taken. Many people want to be a supervisor until they get to that level. That's when it gets difficult and uncomfortable. Then this becomes a critical time for the organization and we need able supervisors who can actually do the right things."

Elizabeth Donovan, who had sat quietly and listened intently to her peers, seemed to be agitated with the tone and direction that the discussion had taken. She, like the others on the committee, had come up through the ranks. She assertively stated, "We know what moxie and skills are needed for this position in the northern district. Any new hire, from within or the outside would be assigned and encouraged to take advantage of additional training opportunities once they have been selected. But don't you agree with me that it's nice to see people who have a vision about their future and have taken the initiative and have the foresight to truly prepare themselves for the job they are applying for? At least in my mind's eye, it shows that they've really thought it through and that they are not applying simply because it is an opportunity for more pay and status, and that the position happened to open up at a convenient time."

Division Administrator Avery, now anxious to move the discussion forward, acknowledged the views of his colleagues and attempted to bring a sense of closure to their brief, but revealing, discussion. He said, "I firmly believe that we need to move beyond promoting people simply because they are very good at their current job. One's current job may have very little to do with the skills and competencies necessary to be successful and effective in the role of a supervisor and leader. Obviously, experience is a very valuable tool that will be gained once they're in the job. However,

it's very refreshing, even rewarding, to hire people that are forward looking and have the drive, motivation and passion to become better. Being prepared shows real leadership potential in my book! We have all been there before, and frustratingly so, when we have interviewed candidates who have a poorly prepared resume, arrive at the interview knowing little about the position they seek or the organization they desire to join, and we have to spend precious time clearing up their inaccurate notions about the recruitment and selection process or about the tasks and responsibilities and requirements needed to meet the job. I can tell you that I have seen many crash and burn who, had they prepared, might have had a different lifetime of achievement in the DNR."

Questions and Instructions:

1. In his book Good to Great, Jim Collins applies business principles to that of government. He focuses on getting the right employees in the organization, and contends that people are not an organization's most important asset rather getting the right people is. He emphasizes the need to get the right people on the bus, the wrong people off the bus, and the right people in the right seats on the bus. Utilizing Collins' perspective, which of the two finalists should be given a supervisory seat on the DNR bus? Please explain.

2. How does one effectively, fairly and accurately weigh and compare various degrees of practical experience in relationship to the expectations of a particular position?

3. Hiring from the outside can certainly be beneficial. What are some of the potential positive outcomes? Please provide some specific examples.

4. What might be some of the negative ramifications of hiring from the outside in this particular case? Please provide several implications.

5. How much of a particular type of experience is "enough"? Is it possible to have too much experience for an entry level supervisory position? Is it possible that Bevington was overqualified for the position? Please explain.

6. Specifically, what competencies, education and experience factors should be considered in this case? What other criteria might be considered? Why and more importantly, how?

7. If you were a member of this interview panel, who would you have selected and for what reasons? Please be specific.

Exhibit 1. Vacancy Announcement, Public Service Executive 2 Position

STATE DEPARTMENT OF NATURAL RESOURCES

State Capitol Complex

VACANCY ANNOUNCEMENT 542*

PUBLIC SERVICE EXECUTIVE 2

(District Law Enforcement Supervisor Northern District)

Natural Resources Selective [450]

Salary Range $1,937- $2,996 BiWeekly (Pay Grade 32)

Office Location: Ewald Office Building

Travel, both within and outside of the district, and occasionally out-of-state will be required as well as some night, weekend, and work on holidays.

Work Responsibilities: Supervises the work of a professional staff of full-time conservation officers and part-time water patrol/ATV patrol officers by keeping time records, conducting performance evaluations, hiring, terminating, establishing work schedules and assignments, supervises training and administering department policies, procedures and collective bargaining contracts. Directs and monitors activities, progress and status of officers within the law enforcement district and conducts their respective annual performance evaluations. Establishes goals and assignments for staff. Reviews and approves reports of activities of subordinate staff; makes work distribution decisions and is involved in the grievance process. Reviews all reports submitted by subordinates. Makes budget and program recommendations for the district. Administers district cost centers and reviews and approves purchases of equipment, materials, and supplies. Processes and approves appropriate paperwork regarding travel vouchers, claims, AOs, and request for purchase orders. Attends various professional and intergovernmental meetings to increase knowledge of specific programs supervised, remain current on practices and procedures for field operations. Makes recommendations to bureau administration related to personnel matters, policies, procedures and programs. Prepares and maintains reports and files of activities supervised, does law enforcement work as time allows, and gives presentations as required.

Education, Experiences, and Special Requirements:
Graduation from an accredited four year college or university and experience equal to four years of full-time professional level work in program administration, development, management or operations;

OR

an equivalent combination of education and experience substituting experience equal to one year of full-time required work for one year (thirty semester or equivalent hours) of the required undergraduate coursework to a maximum substitution of four years;

OR

substitution of twenty-four (semester or equivalent) hours of graduate level course work in a special program curriculum such as Social Work, Law, Education, Engineering, or Public or Business Administration for each year of the required full-time experience to a maximum

substitution of two years;

OR

employees with current continuous experience in the state executive branch that includes experience equal to one year of full-time work as a Public Service Executive 1 or a comparable management level position.

Necessary Special Requirements:
This is a peace officer position and all applicants, if not already certified, must be eligible for enrollment in the State Law Enforcement Academy (SLEA) basic training program. The following information is a listing of those requirements as set forth by the Academy:

Law Enforcement Academy
CHAPTER 2
MINIMUM STANDARDS FOR LAW ENFORCEMENT OFFICERS

501—2.1(80B) General requirements for law enforcement officers. In no case shall any person hereafter be selected or appointed as a law enforcement officer unless the person:

2.1(1) Is a citizen of the United States and a resident of *the state* or intends to become a resident upon being employed; provided that, with the approval of the state law enforcement academy council, a city located on a state border that is within a standard metropolitan statistical area may allow officers to reside in an adjacent state within that statistical area upon written application by the agency administrator to the council showing substantial reason and documenting undue hardship. Railway

special agents who are approved by the commissioner of public safety as special agents of the department shall be exempt from the states residency requirement.

2.1(2) Is 18 years of age at the time of appointment.

2.1(3) Has a valid driver's or chauffeur's license issued by the state. Railway special agents who are approved by the commissioner of public safety as special agents of the department and officers who are allowed to reside in an adjacent state within a standard metropolitan statistical area shall be required to possess a valid driver's or chauffeur's license.

2.1(4) Is not addicted to drugs or alcohol.

2.1(5) Is of good moral character as determined by a thorough background investigation including a fingerprint search conducted of local, state and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude. Moral turpitude is defined as an act of baseness, vileness, or depravity in the private and social duties which a person owes to another person, or to society in general, contrary to the accepted and customary rule of right and duty between person and person. It is conduct that is contrary to justice, honesty or good morals. The following nonexclusive list of acts has been held by the courts to involve moral turpitude: income tax evasion, perjury, or its subornation, theft, indecent exposure, sex crimes, conspiracy to commit a crime, defrauding the government and illegal drug sales. Various factors, however, may cause an offense which is generally not regarded as constituting moral turpitude to be regarded as such. The offenses of assault, domestic abuse, or other offenses of domestic violence, stalking, and any offense in which a weapon was used in the commission are crimes involving moral turpitude.

2.1(6) Has successfully passed a physical test adopted by the state law enforcement academy.

2.1(7) Is not by reason of conscience or belief opposed to the use of force, when necessary to fulfill that person's duties.

2.1(8) Is a high school graduate with a diploma, or possesses a GED equivalency certificate.

2.1(9) Has an uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20. Has color vision consistent with the occupational demands of law enforcement. Passing any of the following color vision tests indicates that the applicant has color vision abilities consistent with the occupational demands of law enforcement:

Pseudoisochromatic plates tests such as but not limited to: Tokyo Medical College, Ishihara, Standard Pseudoisochromatic Plates, Dvorine, American Optical HRR Plates, American Optical.

Panel tests such as: Farnsworth Dichotomous D-15 Test or any other test designed and documented to identify extreme anomalous trichromatic, dichromatic or monochromatic color vision. Individuals with extreme anomalous trichromatism or monochromasy color vision, as determined through testing, are not eligible to be hired as law enforcement officers in the state.

2.1(10) Has normal hearing in each ear. Hearing is considered normal when, tested by an audiometer, hearing sensitivity thresholds are within 25db measured at 1000Hz, 2000Hz and 3000Hz averaged together.

2.1(11) Is examined by a licensed physician or surgeon and meets the physical requirements necessary to fulfill the responsibilities of a law enforcement officer.

Additional SLEA Requirements:
Applicants may have to:

- Take a mandatory psychological test (Minnesota Multiphasic Personality Inventory).
- Pass the National Police Officer Selection Test (POST) with a minimum score of 70 percent on each of the four sections of the exam. The four sections of the exam are math, reading, grammar, and writing.
- Meet minimum physical agility requirements. Physical agility testing has four different sections: sit and reach, one minute sit up, one minute push up, 1.5 mile run.

APPLICATION PROCEDURES:

Interested applicants must file an application for this position with the Department of Human Resources (DHR) by the close of business on March 31. Application forms may be obtained from any Workforce Development Office or from DHR's Web page. If you have a current application on file (less than 2 years old), you may call DHR and apply for one of these positions, or you may complete and submit the form following the vacancy announcement on DHR's Web page. You must include the job title and job vacancy number on all requests. Applications may also be faxed to DHR.

In addition to the DHR application, applicants MUST submit a brief letter of interest and a complete resume by the closing date to: Director, Department of Human Resources. Materials requested must be received by the closing date. Failure to follow these instructions will disqualify you from consideration for this position.

THIS STATE IS AN EOE/AA EMPLOYER

*Additions, deletions, and modifications have been made to the official document in order to provide a generic example rather than a state specific one. Other changes have been made to the original document for illustration of human resource management principles.

Exhibit 2. Department of Human Resources Position Description

Department of Human Resources **Position Description**	
Position Classification: Public Service Executive 2	Class Title: Law Enforcement Supervisor
Agency: Department of Natural Resources	Position Number: 76421-001
Hours worked: Non-standard work week to include some nights, some weekends, some holidays, some over-night and some out-of-state travel as required. Full time – 40 hours per week min.	
Immediate Supervisor: Arnold Smith - Chief, Law Enforcement Bureau	
Time %	**WORK PERFORMED**
60 %	a) Provide supervision to 14 conservation officers and six seasonal officers in the 16 counties comprising the Northern District. Ensure that personnel practices, including hiring, firing, promotions, reclassifications, leaves of absence, work schedules and assignments, performance reviews and recognition, training, staff development and exit interviews are conducted in accordance with departmental policy, contractual language and Department of Human Resources processes and rules. Hear grievances at the first step; resolve work related problems, and administer other personnel related policies and procedures, including but not limited to EEO/AA, ADA, FMLA and FLSA; and approve use of sick leave and vacation. Ensure that position descriptions are rewritten as needed to reflect the changing needs of the organization, competencies required and the responsibilities inherent in all positions supervised. Ensure that training is scheduled for employees in accordance with agency and individual needs, and availability of funding. Conduct regular staff meetings. b) Establish and monitor staff performance plans. Assign duties to each staff person and monitor their performance. Determine the need to make staffing reassignments within the geographical district on a long and short-term basis. Prepare and conduct a formal performance appraisal for each employee within the section on an annual basis. Appraisals shall, at a minimum, include a review of competencies, a training and development plan, and appropriate performance goals for the subsequent appraisal period. The training and development plan will be developed in cooperation with each employee and be designed to facilitate the employee's ability to successfully meet or exceed the position's performance expectations and to enhance the employee's professional and personal stature. All new employees will have a three-month and a six-month performance appraisal. c) Serve in the capacity of a role model, and as such, demonstrate conduct exemplifying the department's guiding principles. Utilize management strategies that promote a culture that values diversity, respect for individual differences, teamwork, a customer focus, accountability, a results orientation and ethical business practices, as well as a culture that

	encourages employee cooperation, pride and trust. d) Promote a work environment wherein employees are encouraged and empowered to suggest innovations and improvements to the bureau's programs and services, and to recommend creative and inventive solutions or courses of action to resolve complex problems or issues. e) Facilitate timely and effective communication throughout the bureau's sections to identify collaborative opportunities, minimize duplication of effort, and maximize staff and financial resources.
15 %	a) Assist with the development of annual goals and performance measures for the Law Enforcement Bureau (in conjunction with the bureau chief and assistant chief) that are consistent with the department's strategic plan. Incorporate those goals, means for measuring progress and mechanisms for reviewing and updating goals into the performance expectations for staff. b) Assist with the development and administration of the bureau's annual operating budget in conjunction with the bureau chief and assistant chief. Ensure that expenditures are consistent with the section's goals, the bureau's goals, the division's strategic plan as well as applicable rules, regulations and the Code. c) Make budget and program recommendations for district enforcement operations and administer all cost centers and a district-wide inventory. Review and approve requests for the purchase of equipment and supplies.
10 %	Attend various professional and intergovernmental meetings to increase knowledge of specific programs supervised, remain current on practices and procedures for field operations, and make recommendations to the central office staff related to personnel matters, policies, procedures and programs. Prepare technical articles for publication in professional journals and presentation at meetings.
10 %	a) Coordinate special field projects or operations and respond to requests from subordinates, other departmental personnel, other law enforcement agencies or private citizens regarding specific enforcement practices and problems. b) Carries out specialized high-level assignments involved in the general operating activities of the division, including acting for the assistant chief and chief of the Law Enforcement Bureau in their absences.
5 %	a) Review and evaluate data and make recommendations on facility needs, land acquisition and land development. Make recommendations for changing or improving facilities, lands, waters or enforcement programs. b) Perform other duties as assigned.

	ADDITIONAL REQUIREMENTS: Identify the essential functions that must be performed by the incumbent, with or without reasonable accommodations for disabilities:
	a) Ability to obtain and maintain certification as a peace officer as required by the State Law Enforcement Academy. Ability to traverse, on foot, on uneven terrain in all sorts of weather conditions. Ability to fire both a shotgun and a handgun for qualification and protection purposes. This requires manual dexterity in both hands. Ability to load and unload (trailer/re-trailer) various sizes of boats at a boat ramp. Ability to lift 25 pounds. Ability to ride in or on and/or operate a snowmobile, all-terrain vehicle, boat, and a patrol vehicle (sedan/pickup/sport utility vehicle) for a minimum of four continuous hours under a variety of weather conditions, both day and night. Ability to perform up to bureau training standards and requirements. Ability to possess and maintain a valid driver's license. Ability to travel overnight and work some weekends and some holidays. Ability to enforce and interpret laws and be able to conduct criminal and other investigations. b) Broad knowledge base of DNR programs, policies, operational abilities and regulatory requirements; ability to communicate effectively verbally and in writing with constituents, legislators, Governor's staff, DNR staff, management personnel and other state and federal agencies; ability to work independently with consistent results and minimal supervision; ability to analyze organizational and operational problems and develop timely and economical solutions; ability to plan, organize, and effectively supervise the work of a subordinate staff; knowledge of the principles, techniques and trends of public administration, including financial management, labor relations and other resource management; ability to establish program objectives or performance goals and assess progress toward their achievement; ability to read and interpret complex federal and state laws, rules and regulations; capacity to adjust to change, work pressures or difficult situations without undue stress; ability to use PC based software at a moderate to advanced level. c) Must demonstrate initiative, a customer service and team orientation and display high standards of ethical conduct. Position is a full-time position and as such, requires regular attendance.

3

Ancestry Worship and the Right to Religious Expression

by
C. Kenneth Meyer, Jeffrey Geerts and Lance Noe

"Strange and weird," were the only words that resonated in the mind of Colonel Joseph Foster as he learned firsthand about the intricacies associated with ancestral worship on the island of Okinawa, Japan. Although Foster was no novice to the many "ways of the world," his international travels and military assignments over his twenty-two years had not placed him in a position where he had to reconcile the needs for military installation security and those of the indigenous population whose ancestors were buried over the years in tombs placed on lands that were once owned by their families, but now leased by the U.S. Department of Defense (DOD). Times were different now and the privately held property was now held by the government of the United States and used by the various military branch services. The rights, duties, and obligations to the signature parties (the countries of Japan and the United States of America) were enshrined in the Status of Forces Agreement or "SOFA" as it was commonly called among those informed on these bi-lateral agreements.

Foster considered his own military career to be unremarkable at best—especially, in consideration that he had attended and graduated from the U.S. Air Force Academy and was among a real elite group—"The Ring Knockers." Over the years, he had gained experience in the Southern Command and spent a number of years at Albrook Air Base—a base adjacent to the Panamanian Canal and Panama City, Panama. There he experienced the types of problems associated with coordinating military exercises between the "world's most advanced and powerful air power," and that of a developing country with limited financial or military might. He also studied the local culture and was intrigued with the history of pirates that once made Panama their "home base or refuge." More tellingly about Foster's orientation toward different cultures, however, was his noticeable excitement in his voice when he told of his military experiences at Ramstein Air Base and Spangdahlen Air Base in Germany. He loved these assignments because they connected him with his own ancestry and heritage—a father and grandfather who had immigrated to the United States in the 1930s. He knew more than a few expressions in German and spoke passionately about the German people and their culture which embraced their language, norms, habits, customs, food, history and, of course, their "many beverages of distinction." Earlier on in his career when Foster was "making rank," he did his obligatory tour at the Pentagon, but found the bureaucracy to be "omnipresent" and generally "full of itself."

Okinawa, however, presented a new set of challenges and he had to quickly learn the names of a religion that embraced many ritualistic practices that symbolically and realistically collided with his own deeply held and cherished religious beliefs (see, **Exhibits 1 and 2**). The idea of worshipping one's own ancestors and setting out food and drink for their spiritual journey seemed quite odd in contrast to his own theology which was rooted in a Judeo-Christian tradition. When Foster first arrived at the Naha International Airport, Okinawa, he was impressed with the pristine beauty of the ocean and the mellow-green and blue like hues which radiated from the ocean's reflections. The harbor and port were busy, at least it seemed that way to him, and as the Northwest Airlines plane landed, he frantically tried to count the many vessels that were anchored both in and outside of the port authority. In a peculiar sort of way, they seemed to be lying in the water as if they were mysterious creatures from the depths of the ocean—some sleek as sharks and others voluminous as the big "Gray whales." Of course, he knew they waited to be appropriately summoned to unload their cargo of freight, lumber, petroleum, and other things which they carried in their seemingly unending number of "multi-colored" steel containers. He also grinned to himself as he saw the triple hull "air boats" which bobbed up and down on the waves in the harbor as if they were seagulls waiting to be loaded and readied for flight.

Foster's eyes darted from one sight to the next and he was experiencing something he had never before seen. As his plane descended to lower altitudes he became intrigued with the huge number of hydraulic cranes that literally jettisoned from their mobile foundations on the piers and, as he later told his co-workers, they resembled "birds of construction." Their movements were balanced and there was a rhythm to their operation as they swooped down and "pecked-at" the cargo containers; then, they raised their "catch" with their strong metal beaks and swung their heavy loads on to the pier where the containers were neatly stacked in rows and readied for transport or storage.

Okinawa was going to be a beautiful place, but one that would also tax his normally laid-back approach to life. Yet, he thought, this was a good place to be for his final tour of duty in the Air Force, and he knew full well that he would be confronted with challenges for which he had received precious little preparation. How would he be able to command effectively in an environment in which the needs for the security of the personnel and the installation were paramount in importance, and yet accommodate a "host country" in which ancient religious practices demanded access to their ancestral burial places on a periodic basis? He wondered how he might meet these twin objectives—especially when he thought that they might be mutually incompatible. In short, was he playing a "zero-sum game," and which would be the final victor?

Questions and Instructions:

1. It is a truism that the world is at one and the same time becoming more interdependent as it also is becoming increasingly separated on the basis of race, ethnicity, language, nationality, class, religion and wealth. Religious beliefs have been at the center of many clashes among people throughout the history of civilization. Why do you think it is necessary for the contemporary administrator to understand the "religious beliefs, practices, and rituals" which are associated with birth and death, diet and food practices, medical care orientation, "rights of passage," the role of women in society, and other factors? Please explain the relevance of these factors if one were a director of health and human services programs; a hospital administrator; a college president; and the director of human resources management for a middle-sized city. Please elaborate.

2. Often there are more similarities than differences between religious practices when they are studied comparatively. Can you identify any similarities between the practices of Islam, Judaism, Christianity, Hindu, and Buddhism, and those associated with ancient ancestral worship practices of Okinawans? Please be specific.

3. If faced with Colonel Foster's dilemma of maintaining military security and accommodating religious interests of the host nation, how would you resolve the problem? Please explain.

Exhibit 1. Glossary of Terms

Ancestry Worship (*sosen sūhai)* - respect or homage paid to one's lineage

Chijuri – an unexpected ancestral curse or ancestral notice that Okinawans believe may adversely influence descendants if the deceased cannot sleep peacefully or enter Nirvana

Hanji – interpretations of an individual's problem by a yuta

Kusati – emotional feeling of needing protection and affection from parents

Mīgusō – ceremony for the recently deceased that takes place within 49 days of death and where relatives visit a yuta to check if the deceased left any messages

Shiji-Tadashi – the process of personal recovery from mental or physical ailment or harm also referred to as "correction of lineage"

Uchinãguchi – the dialect and symbol language of Okinawans that is an unwritten language using objects as visible symbols of the language

Usui – emotional feeling of desiring to provide affection or maternal love

Uyachinagi-Kwachinagi – mental bond between parent and child

Yuta – a person in Ancestors worship who acts as a counselor; 95% are women called priestess

Source: Adapted from definitions provided in Matayoshi, Trafton, *Ancestors Worship: Okinawa's Indigenous Belief System: A Traditional View of Ideal Family Relationships*, Kinushi Books and Art, 2000. Okinawa, Japan.

Exhibit 2. Basic Religions Tenets of Ancestral Worship

1. Deceased is remembered up to the 49th day, then on 2nd, 3rd, 7th, 13th, 25th, and 33rd years after death
2. Humans are basically sinless and good since they have always had to rely on one another for mutual assistance
3. Parent-child relationships are determined by fate and the gods and impossible for humans to cut
4. If a child grows up without a mental bond with the parent, the child will suffer from various mental problems
5. Spirit, *mabui*, is a fundamental belief and inanimate and animate things have spirits
6. The existence of un-pacified ancestors (ancestors that died bearing great frustration or distress) in one's lineage creates an ancestral notice, curse or affliction occurring about every third generation
7. To be free from the occurrence of any ancestral curse, repulsion between parents and children must be changed to veneration (this is the psychological foundation of ancestors worship)
8. Ancestors permit humans to live and determine their behaviors
9. Begins with comprehending the nature of human beings
10. Is psychological not philosophical like religions
11. Has three basic attitudes: do not be arrogant; do not blame, discredit or shame others; and do your best
12. The spirit of a deceased ancestor is alive in the unconscious of the descendant
13. Troubled spirits are seeking appeasement and understanding, not reproach
14. Primary concern is to get secular benefits such as recovery from and avoidance of psychosomatic diseases and to alleviate conflicts among family members so society is harmonized and peaceful
15. Prayer rituals include prayer to ancestors for guidance and protection

4

Bad Feng Shui

by
C. Kenneth Meyer and Stacy Gibbs

Janet L. Horowitz was often told by her parents in her journey from childhood to mature adult, that the "world was her oyster" and the goals she seriously set for herself could be reached. Although her parents set exacting standards for themselves and their children, they served as exemplary role models in every way. Janet developed her ideas of management and business early on in her career when she realized that business, like politics, had everything to do with people, character formation, innovation and linking the dual values of measuring performance with meaningful rewards. In college, she learned that the coursework she valued most—courses in logic, ancient history, music, literature and marketing were all part of learning about human behavior and life experiences.

As a successful learner, Janet had mastered the ability to observe the world in which she worked with care to draw generalizations on the basis of evidence that supported the trends and patterns she observed in the field of marketing.

Janet earned her "craft" in over a decade of hard work. Upon receiving her "sheepskin," she landed her first job as a communication officer for a local area education agency—a job where she provided technical assistance to K-12 membership districts. Always seeking additional challenges, she applied for the position of director of marketing that was open at Commerce Community College (CCC), and was not surprised, although elated, that her educational background, professional experiences, and demonstrated success in the Area Education Center (AEC) enabled her to get the job.

Making the transition from the elementary and secondary level of education to that of a university would be challenging, but she felt she had the "metal" to rise to the occasion. When she was offered the directorship position, a flurry of emotions fluttered through her mind. She liked the idea of being the primary marketing specialist for the university and felt it would test her skills to manage a larger number of "experts," a larger budget, and develop the marketing plan and materials that would "sell the vision, mission, and values of the university" to its targeted clients—prospective learners, parents, employers, and school counselors. However, she was put off with the pay, and felt that the director of marketing should be administratively placed at the cabinet level along with the directors of finance, admissions, and student services. Not being one to dwell on "spilled-milk," she knew the nature of the job when she filled out the application form and submitted her *Curriculum*

Vitae, and she had not discussed the structural location of the position when she negotiated for pay and benefits. The job was now in her lap and she took to the tasks and responsibilities with unrestrained zeal. One of Janet's closest allies said that "She took to her job as naturally as a duck takes to water." Moreover, Janet had always felt that leaders who approach their roles with zeal and enthusiasm provide, by example at least, the required inspiration and motivation needed in the workplace. After all, she reasoned, by working hard she would show those in the "front-office," that she was worth her "weight in gold," and that her salary and pay would eventually be elevated accordingly.

As she began her duties, she was determined to give the marketing office a new spirit, aura, and image. For her, image was everything and it should be reflected in the marketing material and personified in the staff. She attacked the boxes, files, old office furniture, and plastic "in and out boxes" that had accumulated over the years. She told her associates, "This office will not look like a junk yard." Janet set about clearing out a two-door, five-shelf, steel cabinet that had become a depository of old promotional materials. She told her friends, "These pens, coffee mugs, plastic this and plastic that, ancient brochures, and worthless degree program leaflets had to go." To the extent possible, she gave the "stuff" to those who were ready to "liberate it," and said in an e-mail which she sent to all faculty and staff that they could freely pick up as much of the promotional material as they wished; that the items that had accumulated over the years might have been an accurate reflection of the marketing message of CCC at an earlier time, but they were dated and did not represent the "new image" that would become part of the future marketing strategy.

As Janet began to make her mark on the office and as her tenure unfolded at CCC, Janet's image had changed more than that of the marketing department. Some of her peers and co-workers thought she was pushy, aggressive, uncooperative, and, in general, a poor team player. She was viewed by some as being always right and that it was either "her way or the highway." Some members of the executive cabinet liked her ideas, however, and thought she had the "right-stuff" to mix it up and get the marketing message properly targeted. However, some of her supporters felt that she might have handled the marketing research initiative differently—the first one ever conducted at CCC; feeling that its effectiveness might have been affected by her relationships with other administrators at the university.

Within a few weeks, Janet began to show her frustration at CCC. She wanted the marketing department to excel under her guidance and control. She discovered that each department and service area at CCC had been allowed to design and print their own approach to curriculum and program materials, advertisements, and marketing. For instance, staff members were permitted to design their own business cards, and as a result, CCC had well over a dozen different styles of business cards floating around. Janet found this practice disturbing and ineffective from a marketing vantage point. Also, CCC's website was managed by the library director and like most small community colleges, staff members were obligated to wear many different hats and some "fit better than others." The librarian had stepped up to the task of managing the website and was now considered its Webmaster—a job she took very seriously. Janet had reviewed the website and found it to be

woefully out-of-date, hard to navigate and, generally, not user friendly or informative. Janet noted these practices and mused to herself that these problems would be corrected in due course!

As Janet settled into the directorship, she began having weekly meetings with her supervisor, William "Bill" Jones who was the director of student services. She reviewed the processes involved in centralizing the marketing procedures at CCC. Jones was a veteran employee of about 15 years and knew that change was difficult to bring about at the college. He indicated to Janet that her plan was an excellent one and reinforced the notion that the marketing function had to be centralized and more effectively controlled. In fact, he wanted to bring about centralization, but could not due to funding and staff constraints, and this was one reason for the differentiation of the marketing activities among various members of the staff. In his conversation with Janet, he emphasized that change of the magnitude she envisioned would "take time and have to be gradually done." He advised Janet to determine the one, single task that was most important for her to accomplish, then place it on the agenda for the next meeting of the Office of Student Services.

Janet did not share Bill's incremental approach to decision-making or change, and disagreed openly with him. She wanted the administrative cabinet to authorize her to make the needed changes without getting "permission" or "buy-in" from her co-workers. Bill explained that he understood her frustration with the college, but that at CCC, "Things just didn't work that way." He insisted that she get "acceptance" from those she would be working with if the marketing plan was to be successful. Janet left Bill's office and extended the customary courtesies and thanked him for the "good" advice.

Janet returned to her office and reflected about the advice she had just received. She knew in her heart that Bill was attempting to tell her something about CCC's organizational culture. Acting on Bill's advice, she thought it would be appropriate to confront the two staff members she felt were her biggest detractors prior to the next department meeting. First, she went to Ann Weber, the library director and college Webmaster. She carried with her several pages from the website to review with Ann and felt that Ann would be receptive to those changes which would make the Web more impressive and useful as a marketing device. She also thought Ann would understand why the Web site had to be controlled by the marketing department for clarity and for consistency and, after all, this would free Ann up to do those essential tasks associated with managing the library. Unfortunately, Ann felt put-off by what Janet told her, became defensive and even told others that she had been deeply "offended."

Being rebuked by Ann did not seem to suffice for Janet. Using a similar management approach, she visited with Lisa Stanton, the director of admissions. In her joint meeting, she explained how she would like to see the complete revision of all degree program brochures for the college, and how the processes associated with planning, designing, and printing the brochures and other literature should be done under the centralized auspices of the marketing department. Although Lisa did agree that the process needed improvement, she asked that she be consulted before any changes were made and wanted to have a voice, especially in designing program and degree brochures. Janet, in a rather direct way indicated that Lisa's ideas were not productive if their mutual

energies and time were to be most effectively used. At the end of their discussion, it had become clear that the cordial relationship that they had shared at the beginning of the meeting had deteriorated and new tensions had developed.

Janet was frustrated by her attempts to garner cooperation and "buy-in" from her associates. She could not understand why Lisa and Ann did not see how out-of-date and backward their procedures were and why they would not gladly give their "extra" duties to the marketing department. Simultaneously, Ann and Lisa were voicing their opinions to Bill about the tactics used by Janet. They told him how they felt offended, threatened, and belittled.

Janet soon realized that her attitude and action toward the old promotional materials would come back to haunt her—especially the statement that the office gave off bad "*feng shui*." And that it did not measure up to her style of doing things professionally.

Bill Jones had given Janet his wisest counsel and she had rejected it out of hand. She went to the Office of Student Services meeting and presented, without consulting either Lisa or Ann, a proposal to revamp the marketing plans, procedures, and strategy for the university. Unexpectedly, her ideas were met with resistance and both Lisa and Ann questioned the rationale underpinning her proposal and cast doubt as to its "desirability, feasibility, and practicality." Bill Jones remained cautiously quiet and did not support Janet, nor did he voice opposition to what Ann and Lisa had opined.

Janet soon learned a basic lesson in administration etiquette. She had not fully comprehended that her co-workers had developed the slogans, brochures, curriculum material and advertisements, and by attacking these materials as being "obsolete and useless," she was also making a tandem statement about her predecessor and current co-workers. Unbeknownst to Janet, Joyce McKinsey, a career employee at CCC, was well liked and trusted by her associates, although she got "cross-ways" with central administration and left on a "sour" note. Her close friend sized up Janet's dilemma when she opined, "Your staff might forgive you for your statements, but they will never forget."

After Janet had been at CCC for six months, the high expectations she initially had with her job had become muddied and the "wear and tear" of having her ideas and plans accepted were beginning to show. She wondered why she had been personally rejected by her "team" and why central administration did not come to her defense. Now, she would give CCC one more chance to get it right! She would ask for the authority to fully implement a professional marketing plan that would present an image of the university and the degree programs that would "shine," and she would need a salary boost to make it happen.

Questions and Instructions:

1. What does this case tell us about the sundry issues involved in the study of organizational theory? Please list some items and then elaborate upon them.

2. What did Janet Horowitz do "right" as she prepared to take on the responsibilities associated with the directorship? Please explain. Are there things that you would have had Janet do differently? If so, please elaborate.

3. Is "*Feng Shui*" an appropriate title for this case study? What does *Feng Shui* imply in Asian thought and philosophy? Please elaborate.

4. What are the basic elements associated with building trust and loyalty in an organization? Did Janet Horowitz take these important elements into consideration when she made the decisions that proved to be disruptive? Please explain.

5

Between a Rock and a Boulder

by
C. Kenneth Meyer and Don Munkers

John Simpson, executive vice president of the Intermountain Ag Processors Association (IAPA), a 501(c)(6) organization, was hired to bring about major changes in the nonprofit organization that represented agricultural processors of grain in a four-state area. The organization teeter-tottered on a budget base that the board said represented a "tight-rope" scenario. That is, one tiny slip by Simpson, and IAPA would be in serious trouble, since the forces of gravity only went in one direction. Simpson knew he had been hired with the understanding that if he was successful in turn-around management and met the targeted production goals, he would be "taken-care of" as the board president told him during the initial interview.

Simpson relished the chance to prove that there was truly substance to his "can-do" attitude and viewed the challenge as an opportunity to make a positive difference. He knew, as well, from the "inner-circle" of his friends who were closely associated with IAPA board members, that it faced more than a troubled financial status—that the governance of the organization was also questionable. As Simpson put on the leadership mantle, he quickly learned about the temporary executives who had attempted to set the IAPA on a course that would bring it financial strength and effective leadership, but who failed in their pursuits.

Rumor had it, Simpson soon discovered, that his predecessors were friends of the board members and that "cronyism" brought with it a "bundle" of risks including loss of respect, lowered expectations, and a tarnished reputation among the IAPA membership. The decision to take on the IAPA challenge was not made hurriedly or easily by Simpson. He was secure and comfortable in his parent agency at the time, and his preliminary research revealed it might be a risky proposition to be uprooted from an organization that had "strong, stable legs" and swap it for an opportunity, provided he was successful, that would enable his career to make a "great leap" forward. Nevertheless, Simpson felt in his heart that he could move the organization forward and he had confidence in his own ability to set the desired course and navigate any troubled waters that might be encountered on this "exploratory" adventure.

Simpson recalled what he had told the board, that "...it is not difficult to achieve if there are tangible rewards associated with taking a failing organization and making it 'whole' again."

IAPA had a small staff consisting of only Mary Holmes and himself. Ms. Holmes, as she

preferred to be called, was a seasoned veteran with the organization and had the valued experience of being "on-deck" since the IAPA opened its doors for business in the late 1980s. Indeed, Simpson quickly discovered that she was a "treasure trove" of organizational facts and historical information and that she knew where all of the "skeletons" were neatly kept in IAPA's closet. Simpson thought, however, that she would have done a far better job of "running-the-joint" than the several temporary executives who had been incumbents. Ms. Holmes and Simpson hit it off right from the start and it appeared to be a "management marriage" made in Nirvana. He relied on her and they shared a mutual trust that was palpable. Also, they both were committed to bettering the organization and were willing to make the needed changes.

As executive vice president, Simpson dedicated most of his time to dealing with the many policy issues that had come before the several state legislatures. It seemed that there was a steady stream of issues that came to his desk for clarification or resolution, and he had to reconcile the proposed policy changes that legislators wanted to make to the field of commodities and their processing on nearly a daily basis. As such, he had to closely monitor what actions were before the respective legislators and as he once stated, "Lobby, lobby, and lobby." Of course, the business of answering e-mail messages and responding to the inquiries of IAPA membership was time-consuming, but not terribly laborious.

On the other side, Ms. Holmes had her plate full of financial and budgetary matters and it was a real chore for her to plan the annual conference for IAPA. And, like clockwork, their mutual roles and accompanying tasks seemed to be fully synchronized. Their attitude toward change perfectly resonated with each other. They could both see that the path that Simpson had set for the IAPA was bringing it growth, as measured by an increase in membership fees, regained budgetary health, and recouped level of prestige.

IAPA was governed by a board of directors consisting of 22 members drawn from the four states that it represented. The organization's governance by-laws provided for the allocation of five directors for each state and two directors elected "at-large," although at-large directors needed to be drawn from different states. In addition, the board of directors was further defined by having a number of executive positions: president, first vice president, second vice president, and secretary-treasurer. These positions were filled from within the board. Due to the large size of the board, they only met on a biannual basis, and importantly, during the interim an elected executive board met quarterly to provide governance.

The executive board was empowered by IAPA's constitution and by-laws to act on behalf of the board between the biannual meetings and had "full-rights and privileges" to do so. In non-legalese, the executive board was also the policy-making and governing body of the organization. The full board would customarily ratify what the executive board had decided. As such, the executive board consisted of the president, two vice presidents, and the secretary-treasurer of the board, joined by the immediate past president who acted as the chairperson of the executive board. As such, this was a fairly typical governance structure. The routine policymaking and decision-approving activities

were made by a small board that met regularly, could be convened with ease, and normally felt confident with the recommend courses of action proposed by their professional staff—John Simpson and Mary Holmes.

"Sometimes an organization seems to runs too smoothly," Simpson told Holmes. "Then when there is a bump in the road—the car acts as if all the shock-absorbers have been removed."

Well, the bump that Simpson's management coach was likely to hit felt more like a "brick-wall." The organization had grown rapidly and there were many signs of positive organizational change and the executive board and Simpson celebrated their "turn-around." Appreciative of the changing dynamics, the board of directors suggested at their fall meeting that Simpson be authorized to purchase a new vehicle, of his own choosing, for both official business- and personal-use. The discussion of the board went well enough and it was further decided that the personal-use provision be only tempered with the clause "within reason." IAPA would pay for the maintenance of the car, its insurance, and sundry other expenses, including the fuel costs associated with organizational business. In turn, Simpson would be responsible for paying for the fuel costs associated with his own use. As such, the car would be made available to Simpson only, and this authorization did not extend to other members of his family.

The rationale for the sponsored-car was justifiable enough, especially since Simpson would be provided this organization benefit in lieu of a standard pay increase. This arrangement was perfectly acceptable to Simpson, especially since he was obligated to use his own car while traveling for the organization, and the many trips he made into the four states had taken its toll on his own, relatively new and expensive sedan—especially in terms of mileage. In general, the board seemed amicable to the idea, except for one of the more influential members, Jacob Haggerty, who began to voice concern, which later turned to opposition. Not unlike other decisions, the rule of inverse proportionality began to take over—that is, the smaller the issue, the more time the board spends on its deliberation. Haggerty questioned the down payment and how much would be expended and then raised major issues concerning the type of fuel that would power the vehicle—gasoline, gasoline-ethanol blend, ethanol only, or bio-diesel. It soon became apparent to the other members of the board that Haggerty was not in favor of the car sponsorship in any form, and as a persuasive and influential member, was able to convince a majority of his colleagues to defeat the new car motion. Simpson, being the consummate gentlemen, accepted the board's decision, although he already purchased the car and it meant a lean year in terms of salary increases. Accordingly, the meeting of the board adjourned and the next meeting was scheduled to coincide with the annual spring conference.

The executive board conducted its November meeting, as provided for in the bylaws. The chair, the immediate past president of IAPA, presided, and under additions to the agenda, requested the purchase of a company vehicle be added. Simpson was somewhat surprised by this action since he had not been contacted before the meeting or notified about the addition. As far as he was concerned, the issue had been decided and it would not be put back on the agenda until the June meeting of the full board.

Questions and Instructions

1. In your opinion, did the executive board overstep its authority? If so, in what ways? Please be specific.

2. Could Simpson have handled the addition of the motion to the agenda by the executive board differently? If so, in what way? Please explain.

3. Would it have been in Simpson's interest to have ignored the decision of the executive board to purchase the vehicle? If yes, why? If no, why not?

4. Would it have been savvy for Simpson to have delayed the purchase of the car pending the next board meeting where the approved motion would have been placed on the agenda for the entire board to approve? What implications, if any, are associated with delaying the purchase of the car? Please explain.

6

Chartering New Ground

by
Jeffrey A. Geerts and C. Kenneth Meyer

Governor Jane Simonsen had become an experienced and tested public servant during her many years of public service. She knew the state well and had nearly 10 years of progressively responsible experience in the Department of Finance and Revenue. She understood how the tax code could be effectively used as an instrument of public policy. Governor Simonsen was known as somewhat of an administrative "maverick," especially for the passionate views that she held on the privatization of the governmental sector. She minced no words when discussing what she termed the "3E's" of public performance: equity (fairness), efficiency, and effectiveness.

As a seasoned politician, she knew what needed to be said and was considered a "straight-shooter" by the editor and publisher of the state's major newspaper. As such, she avoided the "double-speak," "babblefab," and "bureaucratize" that characterized some of the press conferences given by her peer governors in the North Central region of the country.

As an assertive and plain-speaking policy leader, Simonsen had little time for those who used euphemisms that she felt were not only meaningless, but also misleading. For example, when she spoke of the need for new state revenues, she called her initiatives taxes—not revenue enhancements. If public agencies were to have a personnel reduction, she avoided the clever "political-speak" of "rightsizing," and referenced the need for reductions by its commonly known and proper name, reduction-in-force or layoffs.

Governor Simonsen's reputation for being matter-of-fact endeared her to many, but some of the state's party leadership felt she was simply "too blunt and forward for her own good and that of the party." Often, they would caution her to proceed gently when delivering her public explanations and to realize her coattails were indeed long ones now, and they intended to do what was needed to keep it that way. Of course, she was not a political novice and although she understood their collective concerns, she did not submit easily to their patronizing suggestions. She felt deep inside the necessity to "speak truth to power," even if she held one of the most powerful and influential political leadership positions in the state.

During periods of fiscal scarcity and budget shortfalls, the demands placed on her to support existing state programs in areas such as education, corrections, human services, and transportation went unabated. And, there were always new "exigencies" and "circumstances" that members of the

state's assembly used to justify new programs and to increase funding for those programs already well-established and in place.

She understood the politics of financial administration and budgeting and realized all too well that even those department, agency and commission directors she had appointed to executive positions, were skilled politicians in their own right and that their interests as "budgeters" was to squeeze the last dollar out of the appropriations committee. She valued their tenacity and aggressiveness in dealing with their respective legislative committees that oversaw their own areas of administration—and as governor, she expected no less from them.

However, in the clearest of budgetary talk she let it be known that she was no stranger to the ways of bureaucracy. She had learned from previously holding high-level, administrative positions, that the twin imperatives of bureaucracy (organization and personal survival) continued to survive—even during periods of economic scarcity, "cutback management," and declining state revenues.

This time however Governor Simonsen, intended to deal with the budgetary and financial situations quite differently. She desired to go well beyond the customary approaches frequently used by governors to generate new revenue streams. She wanted to explore the economies that might be realized if the state legislature would enact a law creating for the first time in her region of the United States, what she proudly named Pilot Charter Agencies.

Earlier on in her public life, she had gained considerable experience as an elected school board member for one of the best school districts in the state, and she was associated with the charter school movement. She felt it had served the students, parents and the other stakeholders well. She was confident that the charter movement would bring added efficiencies and a heightened sense of administrative accountability to their administration. Plus, Governor Simonsen felt that those state departments that opted to become charter agencies would show, in the final analysis, increased savings, enhanced return-on-investments (ROI), greater economies, and an increased realization that the needs and expectations of their customers and citizens must be more completely met.

In addition, she was certain that the charter agencies would bring more dollars into the state coffers that would be added to the general fund. Often she had explained in her press releases that government must be run more business-like and that incentives must be added to the administrative mix that would benefit those agencies that planned, managed, and delivered goods and services efficiently and fairly that met their targeted objectives.

Indeed, if direct and overhead administrative costs could be reduced, the charter agency would further benefit by having access to "new monies" that it generated. These new funds could be used for further administrative streamlining, development, training, and procurement of new technology and equipment, and even civil servant pay increases that would exceed the typical cost-of-living adjustments experienced during the last four years. Also, successful charter agencies might be permitted to award bonuses to agency personnel for their outstanding performance and this would

truly be a novel occurrence in her state.

Governor Simonson knew the underlying challenges associated with meeting the needs and demands of her citizenry in an efficient and cost-effective manner, while simultaneously balancing an increasingly complex budget. As she thought about what she might do to leave an enduring imprint of her governorship, she often wondered how she could improve the agency's ability to meet the people's needs, deliver the services competently and promptly, and maintain her fiduciary responsibility.

Jason Longfellow was a member of Simonsen's cabinet and was considered to be a trusted friend, policy advisor, and personal confidant. He was the type of administrator she would go to when the "political waters became turbulent" or when she sensed a "political storm forming" offshore. Longfellow was educated in quality management, quality assessment and control, and in the fields of statistics and the decision-sciences. He was always the first among the cabinet to intone the idea that "...there is always an opportunity for process improvement, greater efficiencies, more effectiveness and zero-error productivity."

Longfellow passionately believed in six *Sigma* performance and he thought that the time to seriously propose a charter agency had arrived. He had frequently advised Governor Simonsen during his regular briefings that the charter agency proposal would give agencies the flexibility required to reduce the red tape and secure an increase in revenues associated with public services delivery, and better serve the needs of the state's citizens. He believed all of this could be done without taking added revenue from the state's general fund. For Longfellow this was more than a "win-win" scenario. It was a "win-win-win-win" game they would be playing.

The governor and Longfellow had discussed the charter agency initiative long enough and now it was time for action. She asked Longfellow if he would write the language needed to create "Pilot Charter Agencies" in the state, and if he could deliver the product to her office with some dispatch. She said, "The time is ripe for the charter proposal. Let's have a go at it."

Longfellow promptly returned to his office, shelved those projects that did not demand his full and immediate attention, and set about preparing the charter agency initiative and "word-smithing" the agency incentives.

He believed he could accurately capture the sentiments and justifications that he and the governor mutually shared. When he felt satisfied with his "creative handiwork," he submitted five reasons why state agencies might want to become pilot charter ones. The new charter agencies would be granted the following incentives if they chose to participate in the charter agency initiative.

- Ability to develop additional revenue generating ideas and to receive the revenue generated instead of having all the revenue generated directed back to the state's general fund.

- Ability to ask for and receive waivers of state administrative rules that impede agency creativity, innovation and entrepreneurialism.
- Increased flexibility in hiring practices as long as union contract provisions are maintained.
- Ability to tap into a loan fund that would be established to assist state charter agencies in implementing innovative revenue generation concepts.
- Protection from future across-the-board general fund budget cuts.

In exchange for the incentives mentioned above, the new charter agencies would commit to do the following provisions.

- Take a 2-percent reduction in revenues emanating from the general fund.
- Establish and report annually on performance deliverables.
- Share 20 percent of the new revenue generated by their agency.

Governor Simonsen and the legislative leaders from the majority and minority parties eagerly accepted Longfellow's drafted proposal. They collectively viewed the proposal coming from the governor's office as innovative, cutting-edge, win-win and low risk. In the final analysis, bills providing for the charter agency initiative were introduced and passed in both houses, and Governor Simonsen eagerly signed them into law, as shown in **Exhibit 1**.

Now the real test would come in the form of the expected reactions from the agencies, departments and commissions. Would they view this initiative seriously or take it as just one more "trick" in the combined tool chest of the governor and legislature to get more with less, for state agencies that were already stressed to the point of being fractured?

Questions and Instructions:

1. If you were the director of a state agency, would you elect to become a charter agency? Please provide a rationale and justification for your decision.

2. What concerns, if any, must you take into account to volunteer for charter agency status and why? Please elaborate.

3. What do you like about the charter agency proposal and why? Please be specific.

4. Please list at least a dozen or more concepts, techniques or strategies you would suggest for generating additional revenue in an agency of your own choosing. It may help to imagine that you are representing a particular state agency when "brainstorming" concepts for generating additional revenue, or to contact the professional literature and see what experiences other public agencies might have had with the charter agency notion.

5. What other incentives might be suggested that would in your opinion encourage more agencies to participate in the charter agency proposed? Why would these be important ones to add to the original law? Please explain.

6. Are there any other requirements or expectations you would place on charter agencies in return for the incentives granted them? If so, what are they? Please explain.

7. The Ash Institute at Harvard University, see www.ash.harvard.edu, presents a real-life example of the State of Iowa's use of the charter agency concept. The State of Iowa charter agency program was singled out as among the most innovative programs in the United States during 2005. Please consult this Web site for an overview of this agency and a 10-minute video presentation that might be used during the presentation and analysis of this case study.

Exhibit 1. Charter Agency Enabling Legislation

7J.1 Charter agencies.

1. *Designation of charter agencies -- purpose.* The governor may, by executive order, designate state departments or agencies, as described in section 7E.5, or the lottery authority established in chapter 99G, other than the department of administrative services, if the department is established in law, or the department of management, as a charter agency by July 1, 2003. The designation of a charter agency shall be for a period of five years which shall terminate as of June 30, 2008. The purpose of designating a charter agency is to grant the agency additional authority as provided by this chapter while reducing the total appropriations to the agency.

2. *Charter agency directors.*

a. Prior to each fiscal year, or as soon thereafter as possible, the governor and each director of a designated charter agency shall enter into an annual performance agreement which shall set forth measurable organization and individual goals for the director in key operational areas of the director's agency. The annual performance agreement shall be made public and a copy of the agreement shall be submitted to the general assembly.

b. In addition to the authority granted the governor as to the appointment and removal of a director of an agency that is a charter agency, the governor may remove a director of a charter agency for misconduct or for failure to achieve the performance goals set forth in the annual performance agreement.

c. Notwithstanding any provision of law to the contrary, the governor may set the salary of a director of a charter agency under the pay plan for exempt positions in the executive branch of government. In addition, the governor may authorize the payment of a bonus to a director of a charter agency in an amount not in excess of 50 percent of the director's annual rate of pay, based upon the governor's evaluation of the director's performance in relation to the goals set forth in the annual performance agreement.

d. A director of a charter agency may authorize the payment of bonuses to employees of the charter agency in a total amount not in excess of 50 percent of the director's annual rate of pay, based upon the director's evaluation of the employees' performance.

3. *Appropriations and asset management.*

a. It is the intent of the general assembly that state general fund operating appropriations to a charter agency for the fiscal year beginning July 1, 2003, and ending June 30, 2004, shall be reduced from the appropriation that would otherwise have been enacted for that charter agency which, along

with any additional generated revenue to the general fund of the state attributed to the reinvention process as determined by the department of management, over that already committed to the general fund of the state by a charter agency, will achieve an overall target of $15 million.

b. Notwithstanding any provision of law to the contrary, proceeds from the sale or lease of capital assets that are under the control of a charter agency shall be retained by the charter agency and used for such purposes within the scope of the responsibilities of the charter agency.

c. Notwithstanding section 8.33, one-half of all unencumbered or unobligated balances of appropriations made for each fiscal year of that fiscal period to the charter agency shall not revert to the state treasury or to the credit of the funds from which the appropriations were made.

d. For the fiscal period beginning July 1, 2003, and ending June 30, 2005, a charter agency is not subject to a uniform reduction ordered by the governor in accordance with section 8.31.

4. *Personnel management.*

a. Notwithstanding any provision of law to the contrary, a charter agency shall not be subject to any limitation relating to the number of or pay grade assigned to its employees, including any limitation on the number of full-time equivalent positions as defined by section 8.36A.

b. A charter agency may waive any personnel rule and may exercise the authority granted to the department of administrative services relating to personnel management concerning employees of the charter agency, subject to any restrictions on such authority as to employees of the charter agency covered by a collective bargaining agreement. The exclusive representative of employees of a charter agency may enter into agreements with the charter agency to grant the charter agency the authority described in this paragraph. A waiver of a rule pursuant to this subsection shall be indexed, filed, and made available for public inspection in the same manner as provided in section 17A.9A, subsection 4.

5. *Procurement and general services.* A charter agency may waive any administrative rule regarding procurement, fleet management, printing and copying, or maintenance of buildings and grounds, and may exercise the authority of the department of administrative services as it relates to the physical resources of the state. A waiver of a rule pursuant to this subsection shall be indexed, filed, and made available for public inspection in the same manner as provided in section 17A.9A, subsection 4.

6. *Information technology.* A charter agency may waive any administrative rule regarding the acquisition and use of information technology and may exercise the powers of the department of administrative services as it relates to information technology. A waiver of a rule pursuant to this subsection shall be indexed, filed, and made available for public inspection in the same manner as provided in section 17A.9A, subsection 4.

7. *Rule flexibility.*

a. A charter agency may temporarily waive or suspend the provisions of any administrative rule if strict compliance with the rule impacts the ability of the charter agency requesting the waiver or suspension to perform its duties in a more cost-efficient manner and the requirements of this subsection are met.

b. The procedure for granting a temporary waiver or suspension of any administrative rule shall be as follows:

(1) The charter agency may waive or suspend a rule if the agency finds, based on clear and convincing evidence, all of the following:

(a) The application of the rule poses an undue financial hardship on the applicable charter agency.

(b) The waiver or suspension from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person.

(c) Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or suspension is requested.

(d) The waiver or suspension would not result in a violation of due process, a violation of state or federal law, or a violation of the state or federal constitution.

(2) If a charter agency proposes to grant a waiver or suspension, the charter agency shall draft the waiver or suspension so as to provide the narrowest exception possible to the provisions of the rule and may place any condition on the waiver or suspension that the charter agency finds desirable to protect the public health, safety, and welfare. The charter agency shall then submit the waiver or suspension to the administrative rules review committee for consideration at the committee's next scheduled meeting.

(3) The administrative rules review committee shall review the proposed waiver or suspension at the committee's next scheduled meeting following submission of the proposal and may either take no action or affirmatively approve the waiver or suspension, or delay the effective date of the waiver or suspension in the same manner as for rules as provided in section 17A.4, subsection 5, and section 17A.8, subsection 9. If the administrative rules review committee either approves or takes no action concerning the proposed waiver or suspension, the waiver or suspension may become effective no earlier than the day following the meeting. If the administrative rules review committee delays the effective date of the waiver or suspension but no further action is taken to rescind the

waiver or suspension, the proposed waiver or suspension may become effective no earlier than upon the conclusion of the delay. The administrative rules review committee shall notify the applicable charter agency of its action concerning the proposed waiver or suspension.

(4) Copies of the grant or denial of a waiver or suspension under this subsection shall be filed and made available to the public by the applicable charter agency.

c. A waiver or suspension granted pursuant to this subsection shall be for a period of time not to exceed twelve months or until June 30, 2008, whichever first occurs, and as determined by the applicable charter agency. A renewal of a temporary waiver or suspension granted pursuant to this section shall be granted or denied in the same manner as the initial waiver or suspension.

8. *Reporting requirements.*

a. Each charter agency shall submit a written report to the general assembly by December 31 of each year summarizing the activities of the charter agency for the preceding fiscal year. The report shall include information concerning the expenditures of the agency and the number of filled full-time equivalent positions during the preceding fiscal year. The report shall include information relating to the actions taken by the agency pursuant to the authority granted by this section.

b. By January 15, 2008, the governor shall submit a written report to the general assembly on the operation and effectiveness of this chapter and the costs and savings associated with the implementation of this chapter. The report shall include any recommendations about extending the chapter's effectiveness beyond June 30, 2008.

9. *Department of management review.* Each proposed waiver or suspension of an administrative rule as authorized by this section shall be submitted to the department of management for review prior to the waiver or suspension becoming effective. The director of the department of management may disapprove the waiver or suspension if, based on clear and convincing evidence, the director determines that the suspension or waiver would result in an adverse financial impact on the state.

7

Competition from Behind Bars

by
C. Kenneth Meyer and Lance J. Noe

Hale Tesh, mayor of Kinross, read the article titled "Securing a Captive and Attentive Workforce" in the *Modern Manufacturer Monthly* trade magazine with disgust. The article was promoting the advantages of hiring prisoners and placing them in training programs to develop their skills in: fabricating custom parts for obsolete machinery; building utility cargo trailers; manufacturing mobile homes, boats, birdhouses; and even electric harness assemblies for auto manufacturers. Also touted as desirable was the new trend of utilizing prisoners in service areas, such as telemarketing, hotel reservations and airline service agents. The magazine also boasted of the trend to utilize prison labor as an ideal new way for moderate-sized businesses in rural communities to maximize profits and cut costs. Employers pay an hourly wage only. No workers' compensation. No unemployment. No health insurance. No benefits. And best of all, the state will build your factory!

Tesh thought to himself, "If that new 'young genius/CEO,' Jordan Klean, at the *Tractor Works* reads this, he will jump at the chance to sell all of us out."

Tesh was referring to the head of the new management team that had recently taken over the city's largest employer—the Soil Handler Tractor Works. The new team was headed by Jordan Klean, the 34-year-old grandson of the founder, who vowed to "find new and innovative ways to clean-up the books" and increase the value of the blue chip stock firm.

The Tractor Works, as it is referred to by the locals, had always provided high-paying, secure jobs for the city of Kinross for several decades. As long as one was a hard worker, showed-up on time, and religiously obeyed the orders of "Old Man Klean," Tractor Works took care of the rest—including training, housing, benefits, and a liberal pension plan. The implicit promise underpinning the psychological contract that existed between the employer and employees entailed employees giving Tractor Works an honest 40 hours of work per week and in return the company would take care of each employee and their family. It was a paternalistic organization and the men that ran it were committed to keeping the image they had created over the years of being tough-minded, and family-centered, yet fair. But, times had changed all of this and the attention was now focused sharply on the bottom line.

The change in attitude was evident when Jordon Klean "updated" the company mission statement from "...we are committed to feeding the world by building the best equipment in the world..." to "...we are committed to increase shareholder value and become the world's largest equipment builder."

Prior to his election as mayor of Kinross, an old industrial river city of 88,000 people, Tesh worked for 20 years on the line at Soil Handler Tractor Works. Now into his third year as mayor, he was facing a crisis. It was just announced that the state government was building a metal fabricating factory for Lynnfort Manufacturing in his community. The town was in an uproar.

Tesh heard many complaints such as, "What if many of these prisoners decide to stay in Kinross after they have served their time in the 'Big House' and are released? When convicts are trained in a modern factory setting that uses the most modern, state-of-the-art technology, including laser-guided assembly and welding processes and computerized work stations—all paid for, naturally, with my tax dollars, once released, they will also want our jobs and our homes. How is my law-abiding son or daughter supposed to get a job at the Tractor Works when they are up against a highly-trained welder from the prison factory? Can't the union at Tractor Works do something about this? Would someone please clue me in as to why the state is willing to train prisoners at Lynnfort Manufacturing that will take away any chance that our children might have to work at Tractor Works in the future? By chance, although it may now seem ridiculous, what if Jordon Klean wanted to convert Tractor Works into a prison factory?"

Mayor Tesh had also received numerous calls from his constituents concerning the prison labor issue. Some of the messages left on his answering machine were very supportive of providing opportunities for rehabilitation and others were angry at the mere prospect of prison laborers taking on jobs that otherwise might go to those who wished to work in the private sector.

One irate citizen stated, "They did their crime, now let them do their time!"

Another citizen said, "All the state needs to do is to lock 'em up and let 'em rot—rehabilitation of those crooks is the last thing that they need."

One citizen complained that the prison training program was just another new way in which the criminals were being coddled by society.

Still others felt that if they would find the Lord through their rehabilitation program, it made the program worth the investment and the risk. Claiming that, "God acts in mysterious ways." Some even said they would volunteer to work in the prisoner training programs if they were located within an easy commute.

In meeting with the state officials and representatives from Lynnfort, Tesh took little comfort when he learned workers would be paid the average prevailing wage of the communities where the

companies and businesses were located. This meant that the hard-working Kinrossians would still make good union wages—wages that were only slightly less than those paid by Tractor Works. Granted, federal law mandated that should the labor market become saturated with workers, the prison industry would be forced to shut down or hire non-inmate workers, and this provided some sense of comfort and security.

Still, Tesh was skeptical, "You mean to tell me that these guys will be making as much as me in there? Why, that is more than 90 percent of the law-abiding citizens in Kinross make who don't work at Tractor Works, and that's not fair. Some of my neighbors working retail or light construction just scrimp by on near minimum wage. I'll be willing to bet that some of them will be trying to figure out a way to get thrown into jail to get a promotion!"

The next morning while driving his car to work, he muttered to himself and queried aloud why the state would pay $3.4 million to build the factory, and then lease it to Lynnfort for $1 per month so they would have ready access to a "permanent" workforce—an incarcerated population that did not have to be paid benefits.

"We in Kinross are going to become second-class citizens to the prisoners in the state penitentiary," Tesh thought. "These prisoners are becoming part of the 'jet set,' and the rest of us remain embedded in the 'Chevrolet set.'"

Hale also knew that if the economy headed "south," that the prison jobs would be given to regular workers who had been displaced by an economic recession. Yet he was also familiar with the fact that families tend to join their imprisoned loved ones and add a host of new problems to the cities that provide lockups, jails, prisons, and prisoner-release or training programs.

And, worse, Hale thought, "These families have a tendency to stay on even when the prisoners are relocated or returned to regular prison duty!"

The Unions Respond

The labor union Local 814 at Tractor Works was joined by several other area unions (including the major public employee unions and AFL-CIO) and they were ready to take action against the new plant. The workers had "had it up to their eyeballs" and something had to be done. If they didn't give a loud voice now to the issue of prison labor, they would have yet another "nail driven into the coffin" of their collective future.

The union leadership could feel that the sentiments among the community and the membership ran strong and deep. They knew that the issue would generate a strong reaction when their statement was placed on the floor for debate and approval. They felt comfortable this time that they had done the necessary background research and they were ready to answer any question raised from the floor. In brief, they were ready to "rumble" when they confidently walked to the lunchroom

and posted the next meeting time, date, and agenda on the union board.

One leader turned to the union secretary, John Harvey, and said, "All the arrangements are in order for a large turnout and it's about time that we show the world what solidarity is all about. What say you?"

On the plant floor of Tractor Works, some of the workers had stewed all week long about the prison labor problem. Their anxieties, fears and anger were further fueled by what their "brothers and sisters" said was happening in different parts of the country.

"Was the proposed program just one more thinly disguised attack by the state on the union movement?" the workers opined.

The meeting announcement reported that the union officials had been in contact with the national office and had received assistance in preparing a statement on prison labor that would be submitted to the director of the Department of Correction, and that a news release was ready for distribution to the statewide media if their unified report was approved.

The statement read in part: "Consider the following: A hot climate where men are shackled together in work gangs; those refusing to be subjected to such degradation are chained to a hitching post where they stand in the sun for hours. A place where workers receive between 15 and 50 cents per hour for the 4.6 million hours they work each year, with no workers' compensation or benefits—only in a third world country you say? No, private-sector businesses are profiting from this growing source of cheap manpower, and the government applauds the use of a "Made in the USA" label on prison production for private profits. It is a fact that prisoners in some facilities, who refuse to work, lose credit for "good time" and any chance at work release. In one state, prisoners refusing to work are locked in their cells for 23 hours a day and are referred unfavorably or even blackballed for parole.*"

Although the announcement was unusually long this time, it instructed the membership that a copy of the International Labor Organization Convention #105 statement, that condemned the use of forced prison labor (as displayed in **Exhibit 1**) had been placed in their mailboxes. The full text of the Unified Report was made available on their website and those who took the time to read it noted that clear distinctions had been made between what constituted working and training.

The rank-and-file members found the differences between training and work to be pitifully simple. One member, Mary Klinesmith, a tool and die maker, with many years of seniority felt that everyone knew that *training* enabled a prisoner to more easily make a successful transition into mainstream society, while *working* was what inmates do as part of their punishment as dished out by the guards.

After the meeting was called to order and the roll read, a motion was quickly made from the floor to approve the leaders' letter and send it on to the state's correction administrator. The

membership discussed the prison labor program and the union stewards were unusually sensitive to projecting the notion that, on a philosophical basis, they had no objection to prisoners earning some money that might be paid in the form of restitution to victims and/or victims' families. But they protested the suggestion that restitution was the driving force behind the use of prison labor. The facts on restitution had been easily collected by the secretary and the membership was informed that only $1.7 million out of the nearly $530 million dollars that was annually given to victims out of the Justice Department's Office for Victims of Crimes fund, actually came from prison labor—the rest came from corporate fines.

At one of the tables in the union hall, a member told his coworkers, "Corporate criminals who are found guilty of pilfering millions from victims were not required to work while in prison for wages to repay victims." He laughed as he quipped, "I wonder if the executives at Arthur Anderson and ENRON know this?"

For Mary Klinesmith, however, this was not a time to be funny or humorous. She had worked hard to get into the union and she valued the wage and benefits she had earned and the quality of life it helped her provide as a single mother for her three children. When she stood up to address her peers, it became apparent that she had placed a great deal of thought into the prepared statement that she read.

"Work is important to us and we get our identity from the work we do. Our work becomes an extension of who we are and by using prison labor—our new slave labor in America—it devalues our self-worth and diminishes our self-esteem. All of you know that we have as workers only one source of real power, the right to withhold the value derived from our labor. Prison labor is exempt from the rules of contract negotiation and the collective bargaining activities performed by our union. The use of prison labor compromises the ultimate tool we have available in dealing with management—the right to strike. We can stop working, but prisoners can't. This is America! What are they trying to do to us? Many of us as loyal Americans have served in the military and helped make this country truly safe for democracy. This is certainly some form of recognition that we get in return for being proud, law-abiding Americans who earn a decent wage for a decent hour of labor! Now, we have to compete with pedophiles, thieves, and murderers! We don't ask for much, but can't we have the dignity back that we have all earned as workers?"

As Mary sat down, her remarks were met with thunderous applause and whistles. She had made it clear that work was important and that the union would not succumb easily to state-sponsored programs that jeopardized the welfare and future of unionized employees.

Exhibit 1. International Labour Organization Convention #105 Abolition of Forced Labour Convention, 1957

PREAMBLE
The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on 5 June 1957, and

Having considered the question of forced labour, which is the fourth item on the agenda of the session, and

Having noted the provisions of the Forced Labour Convention, 1930, and
Having noted that the Slavery Convention, 1926, provides that all necessary measures shall be taken to prevent compulsory or forced labour from developing into conditions analogous to slavery and that the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956, provides for the complete abolition of debt bondage and serfdom, and

Having noted that the Protection of Wages Convention, 1949, provides that wages shall be paid regularly and prohibits methods of payment which deprive the worker of a genuine possibility of terminating his employment, and

Having decided upon the adoption of further proposals with regard to the abolition of certain forms of forced or compulsory labour constituting a violation of the rights of man referred to in the Charter of the United Nations and enunciated by the Universal Declaration of Human Rights, and

Having determined that these proposals shall take the form of an international Convention, adopts the twenty-fifth day of June of the year one thousand nine hundred and fifty-seven, the following Convention, which may be cited as the Abolition of Forced Labour Convention, 1957:

Article 1
Each Member of the International Labour Organization, which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour —
(a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
(b) as a method of mobilizing and using labour for purposes of economic development;
(c) as a means of labour discipline;
(d) as a punishment for having participated in strikes;
(e) as a means of racial, social, national or religious discrimination.

Article 2
Each Member of the International Labour Organization which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of this Convention.

Source: C105 Abolition of Force Labour Convention, 1957, http://www.ilo.org/

Prison Labor: A Booming Business

Tesh felt better now! The meeting was successful and the vote came out the right way. On his way home, he could not get out of his mind that 38 states had authorized the use of prison labor by private employers in intrastate commerce, and that prison industry sales had exceeded $9 billion last year. What still annoyed him, however, was that many prisoner produced products would be exported proudly and stamped with the "Made in the USA" label and that states had already begun to advertise their prison industries. In conducting the background research, he had uncovered an advertisement that he had posted on the union board alongside the meeting announcement.

> **CORRECTIONAL ENTERPISE SERVICES—Highly motivated and reliable workers; customized to meet your company needs; bring work back to our state from overseas—hire our prison-based workforce.**

He was proud that he had taken the time to post it alongside of the meeting announcement.

"Maybe, just maybe," he chuckled to himself, "the announcement would help energize the membership to get off their butts!"

Right now, however, he was prepared to taste the victory and was so happy that the union had stuck together and had given their unanimous approval of the letter. As he traveled down the road, he reflected on the discussion that some of the members had concerning what constituted a "successful" prison firm. When asked from the floor, Jim Hanson, one of the strongest stewards in the shop, stated that facilities with a low turnover--meaning states with mandatory sentencing and minimum-security prisons located close to maximum security sites—are considered to be the most successful.

Hanson had also stated, "This is needed in case prisoners behave well and are then moved to a lower security site. It would be bad news for the firm should the new prison be located away from their factory."

He had passionately stated during the meeting that companies that hire prison labor really seek "lifers," because they represent a stable work force and that hiring preferences at some firms are given to prisoners with mandatory terms of five years or more—which raises the question of work as a form of rehabilitation for quick and successful reentry into society.

As Tesh turned off State Highway 43 and headed down the last stretch of highway that would take him home, he recalled the words of Mary Klinesmith that evening, "Rewards for productivity are inexpensive for the firm and include fast food lunches and other prison luxuries that are inconsequential outside of prison life."

He remembered what she said about court rulings on prison labor and that they were "not covered under minimum wage, pension, unemployment compensation, workers' compensation, collective bargaining, or any other laws designed to insure worker rights in the U.S."

Tesh thought this made perfect sense from the corporate perspective and thought how pathetic our society had become that we had arrived at the point where, as one company executive stated, "We now have secured a workforce that we don't have to worry about showing up for work or suing us courtesy of the state!" As he recounted what he had read and heard about the use of prison laborers, he knew that he and the union were on the right side of this issue.

Questions and Instructions:

1. Discuss the merits of creating a work environment for persons in prison. Do the benefits outweigh the costs? Is there an overriding factor in this policy that makes a cost versus benefit argument inappropriate? Please elaborate.
2. Does the prison work system, as described in this case, violate the International Labor Organization Statement? Please elaborate.
3. What role does the union play in this issue? Should unions unite to fight against prison labor? Why do you think that unions would be concerned with this issue?
4. From a human resources management perspective, what are the major implications associated with hiring prisoners to perform governmental work, such as maintenance or new construction of government buildings or campuses? As a personnel specialist, would you consider the hiring of prisoners for any line of work in your organization on site? Please be specific and provide a rationale for your answer.
5. If the money earned by the prisoners working in the "private sector" would be used for victim restitution, child support, taxes and per diem meal and lodging expenses, would your attitude toward the prisoner training program change? Please explain.
6. What are some of the implications for the personnel department who hire those who are reentering society after serving time in prison? Would you consider hiring a convicted felon in your line of government work? Would you find it objectionable to work with a felon? Please elaborate and give several reasons why you would or would not hire a convict who had met his or her sentencing obligation.

***Case, in part, was adapted from material presented in "Prison Labor: Are We Heading Back to the Future?" prepared by the Public Employee Department, AFL-CIO.**

8

Creating a "New" Olin County Metroplex

Erin Hobbs a 34-year-old lawyer, was elated to be voted chairwoman of the 40-member Select Commission to reinvent the structure of local government in Olin County. Selected mainly due to her educational background and expertise in the area of government restructuring, she had just completed a two-year appointment as lead researcher for a federal government task force dealing with government restructuring. As a life-long Olin County resident, Erin truly believed that many thoughtful and dedicated citizens could sit down and rationally determine the best way to restructure local government into a more efficient, equitable, and modern/progressive entity. As she reflected on the position she was now in, she became excited about the prospects of now having the chance of applying her federal government experience to a problem close to home and her heart.

As a member of the federal task force, she learned that consolidating local governments is not easy, especially during times of great public skepticism regarding the professionalism of local government. She knew based on her earlier research in 2002 that a mere 33 metro areas had successfully consolidated into a single county/city/suburban government, although she had been recently made aware of some additional consolidations. She was aware of the monumental task that faced the Select Commission and knew that most referendum votes are rejected initially, but often are placed on the ballot again and eventually receive public support in subsequent attempts as the public warms up to the idea of a single metro government. Erin wanted to avoid that delay and develop a strong rational proposal that would secure public support the first time it went up for consideration. After all, she was in a position to make things happen and nothing less would meet her own expectations.

The Mission of the Commission

The mission for the Select Commission seemed straightforward enough; create a new and modern system of governance for Olin County. Authorized and funded to the level of $200,000 by the state legislature, members were appointed by local-elected officials representing each of the six main cities plus rural/ unincorporated areas within the county. Erin and her commission were given the task of researching, developing and proposing a new form of consolidated governance that would replace the splintered and fragmented multi-city and county system that had developed in piecemeal fashion since the 1800s. Once the new proposal was developed by the Select Commission, it would be put up to the ultimate public opinion poll—a referendum submitted to the qualified voters of Olin County in the November general election. This vote would determine whether a century of urban sprawl that resulted in the creation of new jurisdictions would be unified into a single governmental unit.

As one reporter casually observed, "Will we have six apes on speed or just one baboon on Prozac?"

To Erin, the problem seemed crystal clear, multiple local governments operating within the same metropolitan area symbolized the residuals of outdated, inefficient, divisive governmental systems that had sprung up over time. Metro cities within Olin County often engaged in a feeding frenzy when it came time to compete for scarce economic resources. They were not working together to create the modern, unified metroplex that she felt was needed if sustainable economic development would be successful. Of course, she often said that the metro must be able to not only attract but also retain educated young people if Olin County was to flourish and become a more livable community.

In sizing up the situation, she mused about the long-term impact of having six independent cities compete against each other for new economic development, rather than cooperate, collaborate and mutually support regional goals. She was also reminded of Former Speaker of the U.S. House of Representatives Tip O'Neill (D), MA, who was fond of saying that, "All politics was local." Perhaps so, she thought, but maybe, just maybe, all politics need to be played out on a regional level.

The many examples of city fighting city or infighting were easy to find in Olin County. The six cities had previously refused to cooperate on the long awaited downtown entertainment district. They had vigorously fought each other in court over paying for the new "Mannigan Center"—a sports complex that was thought to play an important role in the metroplex. They generally had a history of doing little more than making sure that their own parochial and special interests were protected at any cost—even at the expense of the greater good.

The rural areas in Olin County were fighting mad too. Rural citizens did not want to be annexed and/or included in tax/service areas and found that the countywide elected officials to be more interested in metro issues than in the plight of rural life.

-history of conflict

Exhibit 1. Governmental Consolidation Successes by Selected Characteristics: 1962-2002

Consolidated Local Government	Pop. 2000	Square Miles	Year Formed	Elected Offices/ Structure of Govt.
Louisville-Jefferson County, KY http://www.co.jefferson.ky.us/	693,604	385	2002	26 single-member districts plus a Mayor
Kansas City-Wyandotte County, KS http://www.wycokck.org/	157,882	151	1997	8 single-member districts, 2 "at large" plus Mayor
Augusta-Richmond County, GA http://augusta.co.richmond.ga.us/	199,755	324	1995	8 single-member districts, 2 "super districts" plus Mayor/CEO
Lafayette-Lafayette Parish, LA http://www.lafayettegov.org/index.cfm	190,503	270	1992	9 single-member districts, no Mayor
Athens-Clarke County, GA http://www.athensclarkecounty.com/	101,489	121	1990	8 single-member, 2 "super Districts" plus Mayor
Houma-Terrebonne Parish, LA http://www.tpcg.org/	104,503	1,255	1984	9 single-member districts, elected "Parrish President"
Greater Anchorage County, AK http://www.muni.org/assembly2/index.cfm	260,283	1,697	1976	11 representatives elected from six major sections plus an elected "Chair"
Indianapolis-Marion County, IN http://www.indygov.org/	860,454	396	1969	25 single-member districts, 4 "at-large" plus Mayor
Jacksonville-Duval County, FL http://jacksonvillecitycouncil.coj.net/index.htm	778,879	774	1968	14 single-member, 5 super districts, plus Mayor
Nashville-Davidson County, TN http://www.nashville.gov/	569,891	502	1962	35 single-member districts, 5 "at large" plus Mayor

NOTE: Data from Gov. Web sites and U.S. Census-2000. List of consolidated governments found at National Association of Counties: http://www.naco.org/

First Speech to the Committee

She had anxiously awaited the day that she would make her first speech as chairwoman of the Select Committee. During the last several weeks, her mind was a buzz with the many facts and trends that seemed patently obvious to any informed policymaker. She knew that first impressions tended to be lasting ones. But more importantly, she took nothing for granted for she had learned that "what you see depends upon where you stand" on political and organizational issues. The speech that she had rehearsed so many times in her mind would have the customary introductions, beginnings, middle and conclusion. There was no question that the facts would support consolidation, but she knew that politics could be brutally local and unforgiving.

Now was the time for Erin to make her statement, saying, "We cannot continue to operate as we have in the past. Our young people are leaving for jobs out of state because we don't offer them the quality of life they demand in our metro community. Our largest city is land locked by the ring of smaller suburbs and is slowly dying. Our proposed downtown entertainment district has been on hold for five years now. We can't agree how to pay for the new sports complex. Our suburbs are in competition with each other to annex new rural land to create sprawl, and our local communities are divided along economic and racial lines. We are not a true community and the reason is obvious—the design of our local government is out of date! People can no longer identify city borders as they drive through the metro, but our local leaders have put up 'political walls' that prevent progress through cooperation. It is time that we break down these walls that divide our community and consolidate our local governments into one 'metro family' that cares for everyone in the greater community and that works toward common goals. We are all dependent on each other in Olin County. Those in the suburbs work in the central city skyscraper district, and those in the central city can't live without the economic support of the suburbs. It's time that we join together and create a single consolidated local government that will work for the common good. A single consolidated local government representing all of the people in our metro area is the answer. Let's work together to create that reality!"

Background

Like other mid-size metro areas 50 years ago, Olin County was once a sprawling county with independent cities doting the countryside. Charlinn, the dominant center city, was loosely surrounded by smaller towns that mainly served the agricultural economy. Beginning in the 1950s a process of rural depopulation resulted in more people moving closer to the metro. Roads and freeways were built enabling people to drive rather than walk or ride the bus/train to work each day. This meant that suburbs close to large central cities were now within easy commuting distance of Charlinn's skyscraper business district.

As the suburbs began to grow both in population and in land area, the central city became landlocked and stagnant. This condition was made worse as economically well-off whites began to leave the city of Charlinn for these new suburbs, creating a condition known as "white flight." The

result was a central city that had lost much of its economic base and community diversity, but still carried most of the responsibility for the public services and maintaining a community vitality for the growing greater metro area.

In 1960, the city of Charlinn, as shown in **Exhibit 2**, represented 78 percent of the total population that lived in the county. By 2010, that figure was projected to drop to just 34 percent. However, the suburbs still looked to Charlinn for leadership as the largest city in the county and were quick to repudiate the city whenever it failed to live up to their expectations in this important area. These expectations included: Charlinn police and fire/rescue units to come to the aid of the smaller cities; Charlinn to maintain the botanical gardens, art center, central park, historical museums, baseball park, and other important regional cultural attractions and amenities; Charlinn to continue to serve in the future as the central focus point of the region; Charlinn to continue the tax incentives that it had given to the core business district enabling the young and highly educated to buy a home in the lower tax suburbs and commute into Charlinn on streets paid for by those who had remained in the city.

In fairness to the Olin County suburbs, some cost sharing had been implemented. In 1976, the suburbs agreed to contribute tax dollars based on countywide population to help provide for maintenance and security of the Charlinn International Airport. The suburbs also agreed to share in the cost of purchasing some specialized and expensive fire/rescue equipment for Charlinn that would be beneficial to the entire region. The suburbs had also recently begun to partner with Charlinn in the joint development of water and wastewater treatment facilities, and had created a joint board to govern these essential activities. Additionally, cities had joined together to create a countywide 911 system, for emergency responses that would be best implemented by an area wide, comprehensive plan.

However, in 2001, when the city of Charlinn suggested that the financial responsibility of the downtown botanical center, art center, baseball park, performing arts hall, and history museum be transferred to Olin County to more fairly spread the cost of operation over the greater metro area, the howl coming from the suburbs reached their highest frequencies.

These cries were heard at the council meetings in each of the five suburbs, "Why should we now be forced to pay for Charlinn's responsibilities? We didn't decide to build them—Charlinn did. If we want a museum or ballpark, we will build it ourselves!"

Crafting a Solution Through Rebirth of Local Government

As commission chairwoman, Erin realized that in order to secure support from the majority of the 40 commission members plus the voting public, the proposal for a new consolidated government for Metro Olin County would need to be rational and practical while at the same time, inspiring and new. It should be sufficiently inspiring to convince the public that giving up their current local government in exchange for a consolidated local government would best meet the needs

of all citizens, and not be so threatening as to cause citizens to vote against a "risky" plan. This would not be easy, as research on the consolidation of cities governments indicated that the less people know about consolidation, the less likely they were to offer support. She also realized that most of the public cares little about local government most of the time. [educate the community]

Exhibit 2. Population Changes in Olin County: 1960-2010 (in thousands)

Government	1960	1970	1980	1990	2000	2010*	Pop. increase 1960-2010*	Percent increase 1960-2010*
All Olin County	269	308	362	418	478	552	**283**	**105%**
City of Charlinn	210	204	201	194	193	191	**-19**	**-9%**
Five Suburbs	31	77	136	201	263	341	**310**	**1001%**
Unincorporated Rural Olin	28.0	27.5	23.5	23.5	22.0	19.5	**-8.5**	**-30%**

*projected assuming no annexation or consolidation

Research Suggests…

Early on in the process, Erin gave a professional and well-researched presentation to the commission that summarized the pros and cons of consolidating fragmented local government into a single/consolidated metro government. Her findings were succinctly summarized:

- Consolidation of government derives economies of scale savings and/or increased levels of services for most metro communities.
- Consolidation provides a better-focused and coordinated economic development program that is based on developing the economic base of the whole metro.
- Consolidation allows a "professional political system" as elected officials tend to be part of political parties—not simply local citizens who run unaffiliated for their city office. Most consolidated governments have a full-time mayor and part-time council members. The mayor can hire and fire plus veto policies passed by the council. The mayor creates the budget, subject to approval by the council. The mayor is in charge of the day-to-day operation of the greater metro government, and may hire an administrator much like the

President of the United States selects professional administrative and policy staff and cabinet officers.

- Those supporting consolidation assumed that it was more efficient and more effective mechanism in the provision of services, more equitable in load (tax) sharing, and more accountable since it is the sole source of local government responsibility. Researchers had noted that fragmented local governments tend to "pass the buck" to each other, thereby frustrating citizens who need services, and thus creating a "whip saw" effect as citizens are passed back and forth to different entities. Consolidated government serves all of the people and will focus on what is best for the whole community.

- Those supporting fragmented local government (many independent cities located within the same metro area) based their support on the grounds that small local governments in direct competition with each other allow citizens to choose the government that best fits their needs. Fragmented government had created incentives for governments to lower taxes and provide only those services that attract and hold new people.

- Those supporting fragmented local government stated that a citizen based versus a party-based system, tended to elected a mayor and council system, with a professional city administrator, that reported to the whole council, and thus better reflected the values of our nation—private citizens who serve in office for a time, but who are not full-time political professionals.

Let the Games Begin

The commission did have a plan from which to begin. Clive Mannigan, former local football star, former mayor of Charlinn and current member of the board of county supervisors for Olin County, had proposed a version of a single consolidated Olin County metro government that would replace the current county and city governments. His plan created a federal-style system with a full-time mayor acting in the role of executive or CEO, as he frequently titled this position, with the power to hire and fire employees, veto any policies passed by the part-time elected council and run the day-to-day operations of metro government.

Mannigan stated, "The 'CEO' is to be the face of local government for every citizen in Olin County. We need to have a single-elected person 'within choking distance' of the people—a strong leader that can 'make the trains run on time' in the whole metro area—not just in a single city."

The influential metro newspaper, *The Charlinn Witness*, strongly supported Mannigan and his consolidation plan. The owner of the paper was a long-time friend of the former mayor and the two were seen together frequently at political events. Even though supervisor Mannigan was not a member of the commission, he had political connections and a reputation as an effective elected official who had a history of dedication to the development of the Olin County region, and seen as

being largely responsible for getting the ball rolling to form the task force. The politically astute also knew that Mannigan wanted to cap-off his political career by becoming the first "CEO" of the new consolidated government.

The Public Responds

Erin soon created a formula for commission meetings. The commission met every two weeks to listen to presentations from experts and government leaders, receive public feedback, and gradually create a plan to be put before the voters. Early on in the process, an entire evening was set aside solely to hear public comment. The range of views was broad and passionate.

From a supporter of the plan for consolidation, this presentation was presented.

> "We are in a governance crisis. We must consolidate and stop the insidious infighting that is a cancer on the public management of this metro region. How can we expect to keep our children in Charlinn if we cannot stop fighting against each other, and begin working together to expand opportunities through coordinated economic development and cost sharing that is equitable for all? It makes no sense to maintain city borders that were designed 100 years ago when people rode into town on horseback through the countryside! Change is long overdue. It is ridiculous to have six cities that you can't tell apart as you drive through the metro, all doing the exact same thing in total isolation. If we were starting from scratch to draw city lines, would anyone seriously propose the system we currently have? The current system is inefficient and threatens our ability to compete with other metro areas. We can save our future only by creating a single local consolidated government that is responsible to the whole community and by electing a Mayor/CEO with real powers. We need a full-time responsible leader who is accountable to the public and to the checks and balances of an elected council, just like our federal government. Our current mayors are mere ornaments who cut ribbons and make pleasant speeches, but who must leave the running of a city to a bunch of bureaucrats because they cannot hire and fire like the tough CEO of any good business!"

The commission then heard from a citizen living in rural unincorporated Olin County who was not happy about the prospect of being part of a new greater Olin metro government:

> "We are about to be taken over by a man who for years has sought to control our lives—Clive Mannigan! Don't for a moment think

> this debate is about good government—it is not. It is about a conspiracy between the elites in this county, including our local newspaper, to consolidate power—power to prevent the good citizens of Olin County from choosing a local government they like by moving out of one city and into another without having to leave the state. It is wrong to force farmers who happen to be located in Olin County rather than the next rural county to become part of a crime-ridden inner city, which has nothing to do with our good rural life. It is an outrage to give almost unchecked authority to a single person because that is the way it is done in business! Well, local government isn't and shouldn't be a business. Why would we want a CEO? A CEO is the kind of leader who is willing to sell his own mother if it would raise the price of his stock options. We need responsible, fragmented political leadership, just as the founders of our nation envisioned. These citizen servants should be in charge of policy to be implemented by professional local administrators who will efficiently manage the public's business. Remember this, when local citizens cannot choose under which local government they will live, professional politicians like Clive Mannigan will forget about the people and pursue their own agendas like building a sports arena in their own name and there is not a single thing you can do about it!"

After Erin listened for three hours to this passion filled debate, she realized that developing a rational consolidation proposal that commission members would see as the single best plan and one that would be accepted by the public might be more difficult that she had ever imagined. As she gathered up her notes to head home, she thought, "How can we consider the scientifically based single best way in this crazy political environment? Certainly, the process should improve once we get past this wild open forum public meeting and get down to business."

As she pondered these thoughts, she looked up to see a smiling Clive Mannigan, who said, "Good evening, Ms. Hobbs, I don't believe we have met before. My name is Clive. May we meet for lunch next week? I would like to give you the benefit of my views on this nice little consolidation project you are heading. Oh, and may I invite my friend from the paper to tag along? He can be of great help, you understand, in developing our plan."

Questions and Instructions:

1. Should local government be run like a business? In what ways is local government similar to a business? How does it differ? What message does adopting the term CEO instead of mayor send to the public?

2. Should local government be formally unified into one reflecting the community as whole or is it best to maintain a fragmented government that provides for competition for citizens? List the pros and cons of each perspective. Depends on the community needs—

3. In this case, Erin Hobbs seeks a science-based rational approach to produce a single best policy. What is the role of science in the development of public policy such as this? What might be the role of *art* in crafting a new consolidated government structure for Olin County?

Self-appeal to everyone

4. Should local government itself reflect the *checks and balances* features of a federal system? How does the current system of fragmented local governments in Olin County reflect federalism? Does the Clive Mannigan plan sufficiently provide for checks and balances? yes

5. In this day and age, is efficiency in government the overriding value that we must pursue even at the expense of equity? When would it be appropriate to sacrifice efficiency in the design of local government?

Cut Clive Mannigan out!

9

Discrimination in the Workplace: Real or Imagined?

by
Mary Easter Kunce and C. Kenneth Meyer

Introduction: The Thrill of Being Hired

Claudia Boyle had just celebrated her 48th birthday when she accepted a full-time position as a project manager with the information technology department at Food for Freedom (FFF), Incorporated—a national, nongovernmental organization (NGO). As the newest member of the human resources technology team, Boyle was anxious to begin her new job and career in earnest and establish credibility and rapport with her team members. Throughout her career, she prided having built a solid reputation for leading successful system implementations, most recently within the American operations of a large international NGO based in the "sunbelt." She felt confident that she would quickly gain a new found recognition with her new employer, and once her credibility had been firmly established, there would be unlimited potential for advancement within FFF.

Claudia Boyle was characterized by her colleagues as having an outgoing personality that literally "bubbles with zeal and enthusiasm," and after work she enjoyed socializing with her associates. On several occasions she joined a small group of co-workers at Harry's Bar and Delicatessen—a local pub with a relaxed atmosphere where conversations often became lively and animated with plenty of speculation regarding the ongoing changes that were taking place internationally and at the national level. Having drilled into the true community connection and network, she learned from her co-workers about a new position that had been approved by the executive committee and would be announced in the near future. Claudia was eager to learn more about the position and reflected on whether her own academic and professional experiences made her a suitable fit for the job. Based on what she learned from the rumor mill, the position was a major one in FFF and it would include the responsibility for leading the design and implementation of several new technology-platforms on which new initiatives in electronic human resource management (eHRM) would be based. Since this was an area that was of keen concern for Boyle, she paid close attention to what was being broadcast through the "grapevine," and, informally, she felt that her background prepared her for a higher management position and she longed for a new, exciting and challenging set of career opportunities. Claudia thought to herself, that she would pursue the job lead with Gretta Lengling, the hiring manager, as soon as it was posted.

New Employees Begin to Bond

Gretta Lengling had been employed at FFF slightly less than two years. Previously, she had worked as a contract employee for several months with FFF, but was recently hired to fill a full-time management position with the human resources department. Although this was Lengling's first experience in a management role, she quickly earned the reputation for having outstanding technical skills and was soon recognized by top management as one of the "rising stars" in the organization's galaxy.

Lengling was also a zealous achiever and in her late thirties, and she often laughingly stated, "Beginning a slow climb on the corporate ladder." As a quick study, Gretta began developing her abilities and skills at professional networking with "relaxed ease," and while doing so had taken the essential first-steps in making herself visible to the right people within the organization. She liked to show her friends that she was not bashful to take full advantage of the after-work social gatherings and considered this environment as a chance to network and talk shop with her peers or as she put it to "...keep her ear to the ground for career enhancing "chit-chat." Boyle and Lengling spent time together both on and off the job. Regularly, they attended the same after work get-togethers and it was at one these "occurrences" that Boyle learned that Lengling would be conducting interviews for the new technology program management position in human resources. As the conversation unfolded, Lengling gave Boyle her personal assurances that she would become the leading candidate once the job was formally approved and posted and the recruitment process began with earnest.

With Claudia's Illness, the Relationship with Gretta Turns South

Boyle was wildly pleased that everything was going well at FFF and at the ease at which she had been accepted by her team mates. She was thankful for her current status, but, as she told Gretta, was experiencing some "minimal" health problems. She explained, in confidence, that she had experienced several instances of dizziness and shortness of breath while walking short distances, and, at times, even significant fatigue, during the last few months. Gretta listened with rapt attention to her inventory of medical complaints and showed a caring concern. The brief "spells" continued and Claudia sought professional medical advice.

Claudia underwent a series of medical tests and was diagnosed with having a serious thyroid condition, as well as a blockage in her arteries, that required open-heart surgery—"Sooner rather than later," her doctor advised. Although she had the feeling that the sands were beginning to shift beneath her feet, she was thankful that she had recently passed her one-year anniversary mark with FFF and was eligible for short-term disability benefits. She asked for and received a certification from her physician for eight weeks of short-term disability leave. Everything proceeded smoothly, and following a three hour open-heart surgical procedure, made a full recovery and was released to return to work on a full-time basis. Prophylactically, she religiously took prescription medications for her thyroid condition, but did not require any other work-related accommodations and "no restrictions" was placed on her "return to work" authorization.

During Boyle's short-term disability leave, the new technology program management position was approved for internal posting. She returned to work and resumed her previous job responsibilities, but learned that Derke Zykstra--a short-term contract worker who was hired during her leave of absence--was leading the integration project that she had initiated prior to her disability leave of absence and, to make matters even more problematic, had been identified as a top candidate for the position that Boyle sought.

Not being reticent or shy to "office politics," Boyle, in an attempt to determine the ongoing status of the recruitment and hiring process, attempted to contact Lengling on several occasions, but to no avail. Having previously experienced the recruitment and selection games that often are played in bureaucratic organizations, and knowing that she would become personally disadvantaged if she prematurely pressed the matter with Lengling, she decided that the best course of action was to "take a low-keyed, mellow approach," and follow the formal job application process. In her own mind, she was certain that if she was seen to have "jumped the chain" at this time, she would be viewed as being too aggressive, if not an overbearing candidate. Her precautionary approach to the application process was all in vain, however, as she was quick to learn that she was not among the top three candidates to make the final position selection list.

Rejection is met with Disappointment: A Grievance is Filed

Disappointed that she was not on the selection list, Boyle confronted Lengling about the missed opportunity for an internal promotion and asked for an explanation, to include the reasons why she was no longer on the short list of applicants that would be invited for a personal interview. To her surprise, Lengling began painting her rationale for not including Boyle on the list—reasons that Boyle dutifully remembered and that gave grist to Boyle's concerns that she had just met a "demon" of discrimination. Lengling asserted that the position required someone with physical stamina that could handle the "ebb and flow" of dealing effectively with stressful situations—a tide which Derke Zykstra as an external and experienced contract employee had ably demonstrated during the past several months. She stated, "We need somebody in the technology program management who can handle stressful situations, and we all know what stress does to you." Although she was unsettled by these remarks, she uttered to herself that Lengling and her associates did not refer to her as being an "old geezer, "old lady," "over the hill," "too sickly," or being someone in her "golden years of a mediocre career"—at least not to her face.

Faced with the bad news of being rejected, Boyle pondered how she should deal with the concern that she might have become unwittingly a victim of disability and age discrimination. Eagerly, she researched the corporate policies regarding workplace discrimination and learned that the Employee Handbook was silent on the matter. Her desire to locate the instructions and guidelines for filing a formal grievance or requesting an internal investigation of the incident was further thwarted by the lack of procedural guidelines in the organization's handbook. Lacking a formal avenue for filing her complaint with FFF, Boyle decided to report her concern directly to the manager of the Human Resources Employee Relations Department. In her own mind, she had a good track

record since joining FFF and had been instrumental in deploying several new systems that supported the goals and initiative of the department of human resources. She believed that this innovative record of success would bolster her position and be a positive factor in her conversation with the employee relations manager. In an attempt to prepare herself should she decide to file a grievance or seek a legal remedy, she consulted the web site for the U.S. Equal Employment Opportunity Commission, and did a review of the American's with Disabilities Act and the Age Discrimination in Employment Act, both which are briefly summarized in **Exhibits 1 and 2**.

Boyle quickly learned that her complaint was minimized, and to her complete surprise, she was caught off-guard when she was advised that her complaint required no further investigation by the department. She was now faced with a gnawing problem. She had been rebuffed by the employee relations manager, and after discussing the situation with the other managers who comprised the Human Resources Advisory Team (HRAT), she had been told that no further action would be taken on her behalf. She wondered, however, should she continue to push harder and have her case officially investigated, or would this merely lead to personal retaliation?

Boyle soon realized that actions and inquiries have consequences and having been back at her desk for several months after having undergone major surgery, she was reassigned to work with different project teams without any further explanation, and her system access was removed for several key technology applications. In addition, she was no longer invited to participate in the ongoing implementation meetings—meetings she once led, and her interactions with Gretta Lengling and the HRAT had become visibly and uncomfortably more infrequent and tense. During the next few weeks, the situation further deteriorated and Boyle was told by Lengling during a performance counseling session in which she received an oral reprimand, that she "...had become disruptive with her team members and that her attitude needed to improve."

As the work environment continued to spiral downward, Boyle made the difficult decision to relinquish her project management responsibilities with the human resources integration team and proactively to avoid any future conflict with members of the human resources department. "After all," she reasoned, "a bad job is better than no job at the present time." Boyle was retained in the information technology department and counseled to look for other employment opportunities—perhaps get "...a fresh, new beginning, rebuild her professional reputation, and reestablish her credibility as an organizational team player."

Questions and Instructions:

1. The Americans with Disabilities Act (ADA, 1990) was signed into law to protect against specific forms of discrimination toward individuals with disabilities. The law made it illegal for an employer to retaliate against an individual who complains about discrimination or participates in an employment discrimination investigation. Based on the situation described in this case study, along with the general guidelines provided in **Exhibit** 1, please assess Claudia Boyle's situation and provide examples of the protections given under ADA that would warrant further review and consideration by Food for Freedom (FFF). Please be specific.

2. Under the Age Discrimination in Employment Act (ADEA), many cases involve employment terminations, such as wrongful discharge or involuntary retirement. Do you agree or disagree that the failure to consider Claudia Boyle as a viable candidate for the program manager position, based on the reasons stated by Gretta Lengling, have possible age discrimination implications for the organization? Please explain your rationale.

3. While most large organizations, regardless of the economic sphere in which they operate, display a rudimentary understanding of diversity and inclusiveness, many fail to move beyond a basic effort to be in legal compliance and, therefore, do not adopt a more comprehensive diversity and inclusion strategy. As a manager, what steps would you take to create a work environment that addresses the negative biases and perceptions often shown toward older workers or persons with disabilities? Please be specific.

4. Generally, based on your own work experience, have you ever found it difficult in your team or work environment to fully embrace diversity and, at the same time, encourage individual employees to work together as a cohesive team? If so, why? If not, why not? Please elaborate.

PART 2: Stop Before Proceeding to a General Discussion of Discrimination

The case on "Discrimination in the Workplace: Real or Imagined?" presents the situation in which Claudia Boyle believes, for one reason or another, that she may have been unwittingly the victim of age or disability discrimination in the workplace. In its most basic form, discrimination

means treating people in one group differently than people in another group based solely on certain perceived characteristics.

A Brief History of ADEA and ADA

When Congress passed the Age Discrimination in Employment Act in 1967 (ADEA), one of its primary goals was to promote the employment of older individuals based on their ability rather than on their age. In 1990, when Congress passed the Americans with Disabilities Act (ADA, 1990), it was designed to eliminate employment barriers for people with disabilities. More than two decades after then ADA was enacted, a number of barriers continue to impact the ability of disabled individuals to overcome problems of stereotyping and negative perceptions about hiring people with disabilities.

While age alone is not considered to be a disability under ADA, data from the U.S. Census Bureau and other important research venues, clearly demonstrate that a positive correlation exists between disability and age. Research indicates that as the population grows older, the number of Americans that report having one or more physical or mental disabilities tends to increase.

Overall, a perplexing question remains unanswered on whether the ADA and ADEA laws may have had an "adverse impact" on those they were designed to protect, especially if organizations are **reluctant to hire and promote** those protected by these powerful national laws.

Consultant's Report on FFF's Organizational Culture

In summation, a year after the workplace incident that affected Claudia Boyle occurred, FFF hired an outside consultant to do focus group based research and give employees an opportunity to provide feedback on a number of diversity-related questions. The research revealed the following perceptions at FFF:

1. On a scale of 0 to 10, the focus group participants gave FFF an average rating of 5.1 on diversity topics;
2. Four key priorities were identified by focus group participants, including a need to review hiring and promotion procedures and other human resource management practices;
3. Participants felt that a cultural change was needed to engage employees with diverse backgrounds and to develop an environment where employees could become more united and cohesive around the organizational mission and vision statements; and,
4. An Employee Advisory Council (EAC) was formed, under the leadership of the CEO, and it later morphed into the Council for Diversity and Inclusiveness (CDI). The council concluded that FFF should promote the employment and promotion of older workers based on their ability and not on their age.

A review of the Equal Employment Opportunity Commission (EEOC), the federal agency responsible for enforcing the Equal Employment Opportunity Act (EEOA), laws which make it unlawful to discriminate on the basis of the five factors included in the Civil Rights Act of 1964 (race, religion, national origin, sex, and color), plus age, disability and genetic information, revealed that the bulk of their claims are in the area of age, disability, sex, race and retaliation. It is the practice of EEOC to attempt to resolve discrimination charges through alternative dispute resolution measures, but if they fail, they may elect to file a civil suit within 120 days. Also, EEOC uses education and other outreach activities to inform organizations of the anti-discrimination polices and, therefore, seek *voluntary compliance* with EEOC regulations and affirmative action programs, rather than relying on adverse control techniques. Discriminatory practices in any phase of the employment process (advertisement, selection, hiring, promotion, training, dismissal, etc.) which serve as barriers to opportunity for a protected group are deemed unlawful.

Questions and Instructions:

5. Please consult at least one Employee Handbook and identify the procedure that is to be used in filing a grievance. Do you feel that the procedure is an adequate one? Please explain. If not, how would you revise or modify it so that the rights of employees would be procedurally and substantively protected. Please elaborate.

6. If the city and state in which you reside have a human rights commission, please contact it or one which receives discriminatory complaints from its residents. Please indicate the number and percent of discrimination cases filed, by type, for the past ten year period. What trends if any are you able to identify? Please explain.

Exhibit 1: Brief Summary of Americans with Disabilities Act (ADA)

The Americans with Disability Act of 1990 (ADA) makes it unlawful to discriminate against a qualified individual in all employment practices, including the following:

- Recruitment and job applications
- Hiring, firing and layoffs
- Training and development
- Promotions, advancements and job assignments
- Compensation, benefits and tenure

To be considered as an individual with a "disability" that qualifies for ADA protections, a person must meet one of the following conditions:

1) He / she must have a physical or mental impairment that substantially limits a major life activity.
2) He / she must have a record of such an impairment as described below.
3) He / she is "regarded" as having such an impairment.

The following is a brief summary of terms that are relevant to the discussion of whether a person satisfies the ADA definition of "disability.

- **Impairment** – refers to a physiological disorder affecting one or more of a number of body systems or a mental or psychological disorder.
- **Major Life Activities** – several examples are included in the regulations, including the following: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- **Substantially Limits** – whether the impairment substantially limits a major life activity depends on the nature and severity of the impairment, the duration or expected duration of the impairment, and the permanent or long-term impact of the impairment. Temporary restrictions generally are not substantially limiting, but temporary impairments that take significantly longer than normal to heal, long-term impairments, or potentially long-term impairments of indefinite duration may be disabilities if they are severe.
- **Record** – An individual has a record of a substantially limiting impairment if she or he has a history of a substantially limiting impairment, or if they have been misclassified as having a substantially limiting impairment.
- **Regarded** – An individual is regarded as having a substantially limiting impairment if he or she a) has no impairment, but is treated by an employer as though a substantially limiting impairment exists, or b) has an impairment that does not substantially limit major life activities but they are treated by an employer as though they have this kind of impairment.

Source: Exhibit prepared on information reported by the U.S. Equal Employment Opportunity Commission, Executive Summary: Compliance Manual Section 902, Definition of the Term "Disability".

Exhibit 2. Brief Summary of Age Discrimination in Employment Act (ADEA)

The federal Age Discrimination in Employment Act of 1967 protects employees and job applicants age 40 years or older from employment discrimination based on age. Age discrimination involves the treatment of an applicant or an employee less favorably based on their age.

It is a further violation of the ADEA to retaliate against an employee or an applicant for opposing employment practices that discriminate based on age, or for filing a complaint or participating in an investigation regarding age discrimination.

Age Discrimination and Work Situations – the ADEA protects against discrimination when it occurs with respect to any of the following aspects of employment:

- Hiring, firing and layoffs
- Job notices and advertisements
- Pre-employment inquiries
- Training and development opportunities
- Promotions, advancements and job assignments
- Compensation, benefits and tenure

Age Discrimination and Employment Policies/Practices – age discrimination can occur for many reasons, and any employment policy or practice can be illegal if it has a negative impact on applicants or employees age 40 or older. Some studies suggest that there are common reasons that employers prefer younger workers, including the following:

- Shorter careers by older workers mean a greater human capital investment
- Older workers lack energy
- Employer costs for health insurance, life insurance and pensions increase due to older workers
- Older workers are less flexible or adaptable
- Older workers demand higher salaries
- Older workers have greater health risks and more absences
- Knowledge and skills for older workers are obsolete
- Older workers block the career paths of younger workers
- Job competence for older applicants can be overstated
- Employers risk of a discrimination lawsuit is greater when they bring older workers into their organization

Source: Exhibit prepared on information reported by the U.S. Equal Employment Opportunity Commission, "Facts about Age Discrimination."

Reprinted with permission, Clute Institute, Kunce, M. E. & Meyer, C. K. (2014). "Discrimination in the Workplace: Real or Imagined?" Journal of Diversity Management, 9(2).

10

Earmarked, Dedicated and Violated?

by
Jeffrey A. Geerts and C. Kenneth Meyer

The Groundwater Protection Act (GPA) was considered a seminal piece of legislation when it sailed through the choppy waters of the state's House of Representatives and the Senate. When it became law, members of both chambers heralded it as not only a pace-setting, landmark law, but one that was the envy of the other 49 states. Several commentators suggested the legislators were finally hearing the *vox populi*—the voice of the people—a voice that had tired of hearing about the quality of life in their state deteriorate. Surely, some argued, the Groundwater Protection Act had its supporters and detractors. This time, however, the "grass-roots movement" had grown a sustainable coalition that gave voice to their collective interests. The Citizen's League for Clean Water hoped that their voice was loud and shrill enough that it would continue to resonate and echo in the ears of the state legislators. They had cried out for a safe, clean, healthy environment and they wanted their representatives to hear their anger and disgust over the degradation of the environment.

The grassroots coalition brought together many environmental and ecological interest groups that had been energized throughout the state: Ducks Unlimited, Save the Family Farm, Friends of Mother Earth, the Sierra Club, and many others. They wanted to see the streams, rivers and waterways of their state cleaned up and the nitrates that caused "Blue Baby Syndrome" removed from their drinking water. They were fed up with the massive fish kills that occurred too often when "factory farm lagoons" broke-open and spilled their streams of putrefied liquid manure into their ponds, lakes and rivers. They wanted these environmental insults to stop! The people had petitioned their representatives before, but this time they cried out for immediate action. They wanted their beaches to be safe and healthy environments where their children could swim and they wanted their rivers to be clean enough for recreation. In addition, they wanted the solid-waste landfills in the state to be properly sited and managed so that they did not leak their "cocktail of toxic and hazardous waste" into the aquifers, wells, and other sources the public depended on for potable drinking water.

The GPA consisted of enabling legislation that created several local and state programs designed to clean, restore and protect the groundwater resources of the state. All inspection and investigation activities required by the act were funded through surcharges fixed on the sale of fertilizer products and on the disposal of solid waste at the numerous landfills scattered across the state. Also, fees were collected on the permits issued for the sale of household materials

deemed to be hazardous. The funding derived from these sources would be "earmarked" or "dedicated" to the Groundwater Protection Fund (GPF)—a fund that was not supposed to be impacted by the overall financial condition of the general fund.

The dedication of funds to the GPF seemed to be a suitable solution for those who lobbied for the GPA and it was the method of choice for members of both houses. Members pointed to the effective use of dedicated funds in their own state's history and in other states across the country. They spoke eloquently in the debates that preceded final passage of the act and referenced many cases where oil and gas severance taxes were dedicated to educational purposes and where mineral and timber extraction taxes were used specifically for a special state activity. In addition, they even demonstrated instances where the entire sales-tax revenue for a state went to pay for health and social services. In short, the sundry surcharges would be imposed, collected, and earmarked for programs that would improve and protect the groundwater. The people bought into the promises that had been made by their representatives in the legislature.

The GPF lived up to its legislative intent to be sure, until the state's economic resources began to dwindle. The GPF had met some of its original targets. It had funded and provided technical assistance to local governments, private businesses, and to at least a dozen state agencies. It was also used to assist the Department of Public Health's Sustainable Institute for Agriculture (SIA) and support environmental programs at the state universities. In addition, it provided assistance to programs designed to educate citizens on the safe and proper way to dispose of hazardous household materials, such as paint, oils, harsh cleaners, lawn fertilizers, and chemicals; helped fund a waste exchange service for businesses and industries in the state; and provided support for a state wide initiative to create markets for recyclables. Of the many programs and activities that were funded or supported by the GPF, none were more exemplary than the Landfill Alternatives Grant Program (LAGP). This program was funded by adding a $1 per ton surcharge to all waste land-filled in the state.

The tonnage of waste that was placed in landfills was large and during an 11-year period, the LAGP was able to provide $45 million dollars in assistance to more than 320 projects in its effort to reduce and recycle waste products. Of the 320 projects funded, fewer than ten failed. That is, only a small percentage of the programs initially funded were no longer diverting materials from landfills in an effort to protect groundwater resources. This fact alone was heralded as a remarkable record of success by those who knew the difficulties of setting up successful and sustainable diversion programs. With a success rate of nearly 97 percent, a rate that out performed all national norms for business start-up financing programs (such as those funded by the U.S. Small Business Administration), pride in the program seemed justified. In addition to the state's investment of $45 million in surcharge fees, another $135 million matching dollars were invested by private businesses and local governments in the state. The program administrators were pleased that the applications for assistance from the LAGP always outpaced the amount of financial assistance available—proof there was an ongoing need for the program.

Nearly 15 years after the GPA became law, the state and surrounding areas of the country were hit with a severe winter, accompanied by soaring heating and utility costs. The state began to feel the first of many new hunger pains that were to become part of their regular diet. The legislature said it had to make plans to deal with the worst case scenario. Reality came loudly knocking on the doors of the legislative chambers when the State Department of Finance and Revenue announced an impending revenue decline and a budget shortage. In turn, legislators diverted their attention from protecting the "safe havens" associated with dedicated funds to scouring the budget in an effort to uncover the millions of additional dollars needed to provide assistance to low-income residents hit hard by the energy crisis. The Low-Income Heating Assistance Program (LiHeap) required funds and many in the state house were determined to find the needed money! Of course, as many of the legislators publicly noted, they too were confronted by the onset of the economic downturn; the resulting budgetary short-falls; and the many demands for essential services that would now have to "share the pain." However, they felt the millions needed to subsidize low-income citizens faced with escalating heating costs needed to be raised. The energy costs in the state had surpassed the rate of inflation nationally, and the representatives were keenly aware that people needed heat for their homes if they were to survive the freezing cold of a northern winter—and winter can be harsh when families are beset with other burdens and hardships. As one legislator opined, "This is not a *Little House on the Prairie* fictional story. This is a real problem and it calls for an immediate solution."

"When funds lie in wait in the coffers of the treasury," one administrator stated, "the revenue robbers stand outside the locked doors of the vault and wait for the guards to let down their arms!"

Of course, this statement was in reference to the joint initiative of the Governor's Office and the legislature to tap those funds unencumbered by the LAGP. For some legislators, they had hit a vein in the LAGP "goldmine" and now would be able to strip its surplus of $4 million dollars. This led one political observer to suggest that the discovery of the surplus was like "hitting the lottery."

But was there a reason for the legislative merriment? Was their actually a surplus in the LAGP? And, could the "dedicated" funds be used for purposes other than those provided for in the enabling legislation? These were difficult questions and they would not easily submit to a simple remedy.

Tom Jenson had been the long-time director of the LAGP. He had repeatedly told his co-workers, "I have poured my heart and soul into the landfill diversion initiative, and if the legislature is intent to throw this baby out with the wash, they will face a brick wall of resistance."

For Tom Jenson, the LAGP was not a program—it was his passion! Moreover, Tom Jenson knew accounting and there was no surplus in his program. He described the accounting method used for state programs and for the LAGP, and how the fund received a quarterly influx of money as the surcharges on land-filled material were submitted to the state.

"What complicated matters," Jenson stated to those legislators inquiring of the account, "was

that the LAGP received applications, reviewed them and then awarded grants on a semi-annual basis."

Jenson further detailed the accounting process and indicated that he waited for the money to accumulate in the program fund and then would issue contracts for the funds. The funds from the account were then placed in a "holding cell" category until the contractor actually submitted claims for reimbursement.

Jenson said, "Simply, if $1 million was received on April 1, it would be placed in the LAGP fund. If another $1 million was received on July 1, it too would be placed into the LAGP fund. Then, by August 1, $2 million worth of contracts would have to be issued."

Jenson further explained: "The $2 million were placed into the obligated category and paid out as contractors submitted the paperwork for their claims, and what the legislators and the governor's staff were viewing as a $4 million surplus was the $4 million that had been obligated for projects, programs and services, and the reimbursement claims had not yet been submitted and processed." In short, the funds had been obligated, but had not been disbursed!

Joanne Hensley of the Legislative Fiscal Bureau, a research and budget analysis entity for the legislature, responded to Tom Jenson's explanation with the simple admonition, "Money is in short supply now and money counts."

Henry Gonzalez of the Department of Management agreed with Hensley as they continued to discuss their accounting and budgetary concerns with Tom Jenson. In fact, Henry Gonzalez stated that it was, "...their collective feeling that the funds, using their definition, had not been legally obligated; that the $4 million was going to be transferred from the LAGP portion of the GPF to LiHeap in order to assist low-income residents pay for their escalating heating bills."

Hensley and Gonzales were unrelenting in their explanations to Tom Jenson and told him that he was, as far as they knew, "The only program manager in the state that was operating on the basis of first accumulating the funds prior to awarding them."

Joanne Hensley further admonished Tom Jenson and instructed him to realign the program so that it would be based on a cash flow basis where contracts would be approved on quarterly revenues expected for the grant program. She said to Tom Jenson, "This is how business is conducted throughout state government and you need to get onboard!"

Tom was an experienced manager and bureaucrat in his own right and he knew there was ample room for opinions on financial matters to vary greatly—even among equally experienced state accountants and auditors. He had, as he often said to his peer managers, "... been there, read it, and done it."

In addition, he knew based on his many years of experience in state government that seasoned administrators understood what was possible and there was considerable discretionary authority that could be exercised in the area of budgetary allocations. He had listened attentively to Joanne Hensley's instructions and he knew that they, more likely than not, reflected the views of the top officials in the Department of Management. On the flip side, however, he was a seasoned administrator and he knew when to "hold them," and knew when to "fold them." But this was no time to throw in his hand.

Tom Jenson looked into the eyes of Hensley and assertively stated, "If all other programs were operated like mine, then perhaps the rest of the state government would not be experiencing the messy budget problems that have brought both of you to my office. I've heard what you had to say, but that dog that you put on me won't hunt!"

Joanne Hensley and Henry Gonzalez thanked Tom Jenson for his time and courtesies and then quietly departed from his office. Tom sighed a deep breath of relief because he had, as he would often say, "faced the dragon, survived the fire, but the sulfuric odor left a bad smell in his office."

Yet, he was concerned about the legality of essentially committing the state to indebtedness by entering into contracts for which he did not have the required funding on-hand. He also was keenly aware of political and administrative matters and he knew that if, in the future, a contractor submitted a claim that exceeded the balance he had on-hand in the GPF, that he would personally have to take the political fall—not the Department of Management, the Legislative Fiscal Bureau, the state legislature, or the Governor's Office.

After several weeks passed, Tom Jenson explained to his staff that in the realm of politics, it is hard to fight either city hall or the state house and this time he had lost the battle and the legislature was out on a scavenger hunt "scooping" up all the "surplus" revenue it could find in the unencumbered and dedicated accounts. Tom Jenson had fought a good fight and he had presented his case with zeal and based on precedence. In the final analysis, the LAGP suspended all grant rounds for a year, and then was back in business. This time, however, Tom Jenson had learned a "bureaucratic lesson the hard way," and he vowed to maintain a constant deficit in the GPF. He also felt this "budget strategy" would enable him to protect the program from any future sweeps of its "dedicated and earmarked" funding source, and that he would vigilantly stand guard to avoid any assaults on his program in the future.

Questions and Instructions:

1. Thinking about the situation that Tom Jenson faced, would you have considered the $4 million in the GPF to be obligated or not? If so why? If not, why not? Please explain.

2. Was sweeping the program dollars an appropriate way for the state legislature to fund LiHeap? Please elaborate.

3. Is there an argument to be made that dedicated funds should be placed in earmarked accounts and spent only for those specific activities and services specified in the enabling legislation? Should the funding of a low-income heating assistance program have received priority over the diversion of solid waste and hazardous materials from the landfills? Explain and justify your response.

4. What are the potential long-term political impacts associated with transferring funds from a dedicated fund to the general fund? Please explain.

5. If you were Tom Jenson how would you have handled the dilemma he encountered in the case? Please be specific.

6. Do you believe that Tom Jenson caused state indebtedness by entering into contracts using the cash-flow process described in the case study? Why or why not?

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Employee Health Benefits

by
Nichelle Miedema and C. Kenneth Meyer

It was Monday morning when Erin Mills, the director of human resources of Horizon Place, sat at her desk and mulled over the alternative health care benefits information she just read. Mills researched the academic, professional, and trade journals with care in the past and now worried about the limited coverage plan that Horizon Place made available to its employees. The thoughts about what should be done in the rapidly changing area of health care benefits raced through her mind during the weekend and interrupted her sleep. Now she was exhausted and had to devote her full energies to devising a plan that would be beneficial to the organization and its members, and meet her fiduciary responsibilities.

To expedite the planning process, she sent a hastily written email to her staff and asked that each member attend the Thursday meeting at 9 a.m. prepared to discuss current, innovative and best practices in employee health care benefits. The time leading up to the meeting seemed to literally dissipate. There was so much to be done and so little time to do what was needed. As Mills entered the room, a quiet hush came over the group, as they turned their attention to the front of the room. She noticed the animated discussion that her co-workers were having and the fact they seemed interested in the subject of the meeting—that was a good sign in her opinion.

As she scanned the room, and greeted everyone, she noticed that Margaret Mason, a charter employee and one of the benefits counselors, was not in her customary place. It was important for Mason to attend and hear the discussion in its entirety, for she was the lead person on the current health care benefits plan. As the plan's major architect, Mason felt it was the best and most viable option for the agency. She knew Horizon Place and was involved in designing much of what was now in the Organizational Handbook. She was a lifer and always put the interest of Horizon Place first and foremost. In her opinion, their employee health care benefit plan was just fine.

Mills promptly called the meeting to order. As she began to list some of her concerns, Mason came into the conference room with a clearly marked benefit portfolio and wedged herself in between several others on the corner of the far end of the table. Unlike her usual prepared self, she didn't bring any supplemental material with her.

Mills proceeded, nevertheless, and outlined some of the strengths and deficiencies of the current health benefits plan and noted that employer and employee contributions were based on

factors such as marital status and number of dependents. In a sign of courtesy and deference, she also asked Mason to describe the benefits connected to each plan.

Mason placed her open folder in front her and described in assiduous detail each benefit plan. She stated, "The agency currently offers a three-tiered plan. The first plan costs the employee the least, provides less coverage in case of catastrophic illness; requires the highest co-pay for office visits and prescriptions; and, requires the employee to pay a higher yearly deductible for inpatient hospital care. In addition, the employee is required to stay within a certain preferred provider organization or the out-of-pocket costs rise. This plan appeals to the younger, healthier, and single employees."

She continued her outline and said, "The other two plans require the employee to make higher monthly contributions, has lower co-pays than the first plan, and the yearly deductibles are nearly 50 percent of the first plan. The more expensive plans provide greater benefits for catastrophic or chronic illness."

When Mason finished summarizing each plan, she gratuitously stated that the health care benefits at Horizon Place were comparable and competitive with other operations of the same size.

Mills thanked Mason for her summarization and then opened the floor for general discussion of the present plan. Sensing that the discussion would be a sensitive one, the staff was not eager to join the debate. As silence completely filled the room, everyone looked around for someone to say something.

Megan Smith, a financial counselor, nervously began to talk. She stated that the current plan, although deemed inadequate by some, was costing Horizon more than it could afford given its current receipts of revenue, and if nothing else changed, the employer contribution was projected to rise 10 percent by next fiscal year. She also indicated that traditionally the agency had raised the employee contribution share as it cut benefits to make it more affordable.

Smith said, "This is customarily the case in many organizations faced with the spiraling cost of health care—we are not alone in facing this edge of the knife."

With the silence broken, Greg Sim, a benefits counselor and a close working associate of Mason, recited some interesting findings based on his own research. He said that The Robert Wood Johnson Foundation reported that the numbers of employees able to afford their company's health care plans would decrease as the population grew, and that the accompanying increase in the cost of health care would make purchasing health care benefits impossible for lower income employees. He further suggested that the problem was exacerbated since the annual pay increases were not keeping up with the annual increases in health care costs.

As Sim cautiously turned and faced Mason, he said, "Several Horizon employees have

refused benefits and some others were considering dropping their benefits in order to save money."

Mills agreed with Sim's statements and said, "Ditto."

Mills began to feel that the staff was opening up and was ready to lay it all out on the conference table in a frank and honest manner. She asked if anyone had ideas that would assist employees and simultaneously contain agency health care costs. She opened the discussion by stating that some companies were thinking about dropping medical plans for their retirees.

"Elderly retirees are a major drain on the insurance plans as this cohort tends to have more medical needs and their illnesses tend to be more catastrophic in nature," said Mills.

Sim bounced around in his seat and quickly disagreed with Mills. He said the current employees would come to the gate with "pitch forks in hand" if this happened since they were hired under the premise that they would receive health care benefits upon retirement.

Sim's view was reinforced by Jeffrey Moody, the agency's chief recruiter. He indicated that retirement benefits were a major factor in recruiting talent to Horizon Place, and he gently cautioned the group to realize that the agency was not able to match the pay scale of the private sector and that providing excellent benefits was one way to attract potential hires to the agency.

In response, Sim further engaged the discussion and suggested that retirees pay a nominal monthly fee for their health benefits, in lieu of being terminated. He enlarged the debate by saying that he believed the real problem is the cost of prescriptions rather than the retirees. He suggested that rather than their traditional solution of raising premiums to employees and cutting coverage benefits, they try to address the administrative processes regarding selection and administration of their coverage providers. He had researched a company that provided technology-based vendor responses.

"In the past," Sim said, "they had tried to analyze and compare vendors of insurance benefits on their own. One company provided the vendor analysis for them by utilizing an online process for immediate qualitative and quantitative analysis of vendor proposals. It disclosed all fees associated with health care costs, and evaluated service delivery while comparing it to the actual terms of the contract."

He further noted that it is difficult for Horizon Place, like its counterparts, to research and engage in health care benefit comparisons. He believed that by purchasing this service they would save time and money, and overall, make a much better decision regarding the employee's benefits package.

"In the final analysis," he stated, "all parties involved would benefit—especially the employees and the employer."

Mason, who had sat attentively during the previous discussion, now asked for the floor and said that she and the previous HR director completed the bulk of the research on the current plan.

She added, "The agency's financial resources would be better spent on programming needs in other departments."

Realizing that the discussion was getting off track, Smith refocused the debate and reinforced Sim's contracting-out idea. She told her colleagues that she already researched some alternate benefit delivery methods and found, comprehensive service delivery under the administration of an outside service provider. Under this arrangement, the service provider would customize the delivery plan to the specific employee base of Horizon Place, and the plan would serve the employee throughout the employee cycle from hire to retire.

Smith chuckled and said, "Imagine this, the entire plan would be administrated via the Web. The first step is to move the benefit plan online. Then, the employee would become responsible for accessing the site and selecting those services they needed or felt were most beneficial. By outsourcing this service, it would remove the in-house cost of administrative processes, offer personalized and flexible services to the employee, and streamline the hiring process. In turn, the savings in resources would allow the agency to contribute more financially to the employee benefit package."

Mason nodded knowingly toward Smith, and then continued to voice concerns over the cost of the service, and among other things, the loss of administrative control over the health care service provision.

Smith retorted that more outcome data would be made available as that was a complimentary service provided by the contracted vendor. In addition she said, "Regular employee and administrative reports would be made to the company executives regarding the quality of the service."

Moody then mentioned he had recently heard that some credit card companies offered insurance debit cards with all benefit information encoded on the cards. This information could be easily accessed by merely scanning or reading the card at the point of care, thereby eliminating certain administrative costs. Not surprisingly, his colleagues had not heard of this service, but felt it might merit further inquiry.

Mills turned to the two newest members of the team and asked for their suggestions or ideas. Mackenzie Morgan, a new graduate from a well-respected accounting school, sat quietly during the discussion, but looked like she had something to say. Sydney Powers, a recent business school graduate, brought to the meeting her accumulated research on health care issues and waited patiently to present her idea.

Morgan spoke first. She told the group that she researched various employee contribution options and prepared a worksheet where the major options were displayed for comparison purposes. She asked the group to review the several designs that she distributed. Most of the group nodded affirmatively that they were familiar with Flexible Spending Accounts and preferred providers. She continued by saying that she was most excited about the Point of Services plans, such as the Health Savings Accounts (HSA) and Health Reimbursement Accounts (HRA). She explained that these services operate under the assumption that employees will control their benefits as consumers of health care plans offered by their employers.

"The traditional tiered and cafeteria plans would become more complex as the employee purchased as much coverage as they wished or could afford to have." In turn, the employer provided a basic set of core benefits and the employee was given the option of adding on those benefits or protections that they valued," said Morgan.

She continued to explain how some of these services would work and be beneficial to the agency as well as the employee by saying, "There are three components to the HRA: the Health Care Reimbursement Account, the Individual Responsibility Gap, and traditional health insurance. Each employee receives a health care reimbursement account to which the employer allocates a specific number of health care dollars each year. Employees use these funds to pay for all health care costs up until the point that the account is exhausted. If the employee does not use all of the funds, a portion of the allocation can be rolled over to the following year. Once the account is exhausted the employee reaches what is called an individual responsibility gap where they pay for health care costs until they reach the point where the traditional health insurance benefit covers the remaining benefits."

Mills asked how this would be a savings to the agency and what would be the limitations. Morgan explained that it is a zero-balance-pass-through account to the employer. The agency funds the account on actual needs rather than prepaid premiums and accounting line items, reserving funding for employee insurance benefits. The limitation is that the agency may have to choose a different insurance provider to meet the requirements of the HSA service provider.

Sim did not like the idea of the employee responsibility gap. He wanted to know how this would benefit the employee and what limitations might the employee face.

Again, Morgan was prepared with an answer for him by saying, "The employee benefits from the plan because up until they exhaust the HSA, they have no medical expenses at all. The account also covers vision, dental, and chiropractic services. In addition, some of the funds will roll over to the next year if not used. The HSA account is typically enough money that the majority of employees will not exhaust their funds. The individual responsibility gap is not so cost prohibitive that someone experiencing more medical needs than usual in a given year would not be able to manage. The drawback to the employee is that in a service like this, while the insurance coverage is extensive if an employee reaches this level of the benefit plan, the out-of-pocket cost to the employee is more than traditional health care plans."

Smith was warming up to Morgan's information and asked her to explain some of the other research she found. Morgan then explained Health Reimbursement Accounts.

"These accounts are very similar to flexible spending accounts," said Morgan. "In this plan, the employee estimates at the beginning of each fiscal year approximately how much out of pocket health care costs they anticipate for the following year. They then agree to have a certain amount of money removed from their paycheck each month prior to taxes being taken out. That money is then placed into an account which can be accessed only for specified medical purposes. Typically these medical conditions are not covered by the current health care plan or the funds are used for co-pays and deductibles. The employee must fill out forms and return them to the vendor to receive reimbursement."

Sim suggested that it might be beneficial to look into Jeff's insurance debit card idea to avoid all of the administrative costs of the middle person if the group decided to implement this plan.

Morgan wanted to share one last piece of information with the group. She recently read of several large companies going to employee health care plans that involved premium sharing scaled to salary. Under this system, employee's health care pre-tax premium increases are based on their rank and base salary level. In the case she researched, administrative staff and low-level management saw no increase in premiums, while top-level executives became almost 100 percent responsible for their premiums. This was a large private company. The program would have to be adapted to meet the needs of their nonprofit agency but she thought the idea had merit. She stated that she realized this was a radical idea and that many people in the room would see increases in their premiums if this happened. However, if as Sim mentioned previously, many employees were denying health insurance because they could not afford it, this might be a way to make it more affordable to some of their lower-wage employees. Mills looked around the room and saw many thoughtful looks on the faces of the group, but no one raised a comment yet.

Powers then brought her plan to the table. She explained in a humble way, that the cost of health plans is directly related to the number of claims made by employees. As health care costs increase in the medical community and the number of claims continue to rise, the cost to employers and employees would simultaneously increase.

She suggested that the best way to reduce the number of claims was to practice prevention. Powers cited several studies done by major research universities—findings that nearly 80 percent of diseases in the United States were preventable. She also suggested that the HR department take a proactive approach toward reducing the number of claims by providing and emphasizing the promotion of disease prevention among the employees. She suggested that a health plan be implemented that rewarded employees for participating in preventative health care. She explained the process as follows. First, Horizon Place would assess onsite health care needs by, among other things, providing an ergonomic analysis of the offices and workspace. This in turn, would help reduce orthopedic claims associated with back pain, neck and headaches, and repetitive use injuries. Second,

Horizon Place should contract with a benefit service provider that would work closely with personal physicians in identifying potential long-term health risks based on each employee's current health behaviors. As she explained, she already identified several vendors who provided health coaches to employees identified as having specific conditions which require prevention or maintenance and care managers who assist employees in coordinating support services when a team of health care professionals was required. As she spoke, the group listened with interest and surprise at what Powers revealed.

When everyone thought that Powers had exhausted her recommendations, she suggested a corporate wellness program.

"Many companies and public agencies are implementing these programs," said Powers. "There is significant research that reveals long-term savings in employer health care costs. Typically these programs provide each employee with a health risk appraisal. There is a psychometric tool which asks the employee to self-report health behaviors in areas such as amount of physical exercise, typical diet, hours of sleep, alcohol and drug consumption, smoking habits, use of seat belts, frequency of doctor and dentist checkups, and indicators of stress from different sources. These assessment inventories help the employee identify areas of concern which might lead to preventable diseases. Then, aggregate data may be provided to the employer, and a profile of employee health risks can be better assessed."

In response to a number of questions, Powers noted that some companies offer free biometric screenings such as weight measurements; cardiovascular; strength; and flexibility testing; body mass index; body fat testing; blood cholesterol screening; stool analysis; mammograms; and skin cancer screenings. She reassured the group that individual results are made available to the employee and in some instances aggregate data may be supplied to the agency if employee confidentiality is ensured.

The group continued to be inquisitive about Powers' recommendations, and in their desire to know more details, interrupted her with questions. For instance, Moody wanted to know how this individual and aggregated information would directly benefit the agency, and if the employee could choose to have the health information remain personal and confidential, or whether the agency was just footing the bill for more health care services. Someone else asked what the agency would do with the grouped data and how that would drive down health care costs.

Powers answered their questions directly and then said, "With the overall health assessment we will generally know the health status of our employee base, but where do we go from here?"

She then explained that with the added awareness of potential employee health risks, Horizon Place could implement programming to assist in employee health preventative techniques.

She stated, "Even if an employee chose not to disclose, the plan would give immediate feedback to the employee once the health risk assessment was completed. And, if requested, the

employee could elect to have educational materials, exercise regimes, etc., suggested by the director of the agency's wellness program."

Megan queried Powers on the cost to the agency and questioned her about the long-term return on investment (ROI). Powers was prepared for these questions since she had read about and recorded some of the major metrics found in her literature review. She knew that ROI would be an important part of the debate and she had prepared herself in this area.

Powers reminded the group that the mission of their organization was to provide services and promote safety in underserved populations. She felt as if she might be overstepping her position as a recent hire in the agency, but she had been asked to comment and present suggestions.

"One of the best ways to communicate Horizon Place's vision is to live it," Powers opined.

And then, without naming names, she reminded the group that several employees were dangerously obese and many were smokers. She knew she was going out on a limb because at least one person in the room was a regular smoker. In addition, due to their client population, all of their employees dealt with significant on the job stress daily. Finally, because resources were limited, she said many employees were using ergonomically incorrect chairs and work stations.

Powers then iterated an interesting supporting statistic, "The number of claims for back injuries alone went up 28% last year for Horizon Place."

She suggested that if the agency promoted wellness among the employees by providing a safe workplace, resources for improved health care, access to fitness and nutrition classes, and health screenings they would be living their mission. She also cited several cases of well-known large corporations who reported large returns on their wellness investments by providing preventative health care to their employees.

"One study reviewed 30 articles examining comprehensive work-site health promotions programs," Powers said. "In total, the research reviewed examined more than 293,000 experimental subjects and comprised more than 120 years of formal study. All but two of the 30 studies examined provided evidence of cost savings."

She asked the group to keep in mind that employee illness affects more than just the agency's cost for providing health benefits.

"Employees out on sick leave are not productive and valuable resources must be used to cover their time away from the job," she said.

Powers now became quite self-conscious about the amount of time she consumed during the meeting and wondered if her co-workers would value what she had to say.

"Nevertheless," she thought to herself, "I have gone this far, why not complete what I have to say."

She concluded by stating, "If we improve working conditions in the office work areas, we may decrease our number of worker's compensations cases, and if we keep our employees healthy, we will decrease the chances of incurring the costs associated with employee disability. A less measurable return on the investment, but equally important, is the level of employee satisfaction and productivity. A healthy and happy employee may be a more productive employee."

Mills looked at the clock and realized it was time for the meeting to adjourn. She thanked everyone for their contributions and asked that they consider all of the presented ideas. She concluded the meeting by thanking everyone for their suggestions and ideas, and indicated that she wanted to introduce the new employee health benefit plan to the board of directors at next month's meeting. She scheduled another meeting for the following week and began drafting an outline for the "New Plan."

Questions and Instructions

1. Of the many options presented by the employees of Horizon Place, which ones do you think are most feasible? Please explain.

2. List the major options and then outline the major advantages and limitations of each option.

3. Compare and contrast the key elements of the "traditional plan" with the different options brought to the meeting, especially those presented by Sydney Powers.

4. Which of these plans is most beneficial to the employer? The employee? Is there a win-win plan among the various options? Please explain.

5. If you were in Erin Mills' position, which plan do you believe the government board would be most likely to consider and adopt? If this were a private company, would you select a different option? What if Horizon Place was a large government agency? Please explain.

6. Are there any other alternatives or options that might satisfy the demand for improved health care benefits without increasing costs to either the employee or the employer? Please be specific.

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Eupsychian Management: Organizational Change, Behavior, Motivation and Trust

by
C. Kenneth Meyer, Richard B. Strong, and Jeffrey A. Geerts

Introduction: The Building Blocks of Eupsychian Management

College professors, like Peter Carson, who teach management and motivation theory use the writings and theories of Abraham H. Maslow as commonly and as readily as statisticians refer to the writings of Karl Pearson and the notions of chance. Over the years, Carson had tired of teaching about the well-worn acronym of Luther Gulick—POSDCORB (planning, organizing, staffing, directing, coordinating, reporting, and budgeting)—although he noted with astonishment that nearly 75 percent of federal civil servants in management still used it as a guiding and useful tool. This semester, Professor Peter Carson was again assigned to teach the introductory class in public administration and, as was his custom, addressing the various schools of thought that were prominent over the years. The names of prominent theorists rolled off of his tongue as he made sure they were pronounced correctly, followed by a sentence or two about their seminal contributions to the field of study: Machiavelli, Rousseau, Hobbes, Montesquieu, Locke, Hobbes, Maslow, Mayo, McGregor, Likert, Follett, Simon, Barnard, Blanchard, Kaufman, Selznick, Taylor, Fayol, and of course Max Weber and Karl Marx—two Germans of Renaissance intelligence. The current stable of academic names was also part of his presentation as he attempted to tell the story of the evolution and development of modern administration: Friedman, Brudney, Meier, Lowi, Drucker, Osborne, Gaebler, and the ageless and ever relevant writings of Dwight Waldo.

Carson's lecture tonight would be on the contributions of Abraham H. Maslow and Eupsychian Management—a culture in which self-actualizing people would not be corralled or bridled. As he spoke about Maslow's Hierarchy of Human Needs, he methodically went from the physiological, security, belonging, self-esteem to that of self-actualization—"...becoming all we are capable of becoming as human beings." Carson was clearly in his element when he lectured on the human relations movement and especially on quintessentially renowned psychologist Maslow. As he warmed up to the challenge he attributed the following assumptions about human behavior and organizations to Maslow, as summarized by Jeffery Seglin in *The Enlightened Manager's Guidebook*:

1. People move from one level of need to another—they are not locked in time or at any one level;

2. People desire to work and work is as natural as play or rest;

3. People like to feel important, respected and proud and connected to the group and enjoy teamwork, belongingness, and even group love;

4. People are fair and objective in sizing up their own abilities and those of their colleagues;

5. People prefer joy and a sense of delight more than boredom and they want to do meaningful work;

6. People prefer to be treated as an entire person, rather than as one of so many parts in the organization; and

7. People prefer trust over distrust and love over hatred—they are improvable.

Carson was no stranger to controversy in his classes and this night would not be an exception. A graduate student by the name of Jeremiah Winters, a front line supervisor in the department of transportation, quizzically challenged Carson and stated that "... Maslow's views on motivation and the nature of people defied what actually takes place in real organizations." He went on to observe that people needed to be controlled, directed, and monitored or else they will give away the shop. "Yes," Jeremiah concluded, "...the workers may well be happy, but in business we are all about getting things done and done right—productivity."

Professor Carson patiently listened as others in the class shared their own experiences and discussed the basic nature of people and their needs, wants, and desires. The discussion was full of energy and the class was enjoying the give and take associated with the various theories, opinions, and experiences that were shared. Then, "out of the blue" came a request from Olivia Ward—a quiet, but assertive middle-manager in the Department of Human Services. She had mentioned to the class in an earlier discussion how she often came into contact with the "underbelly of society," and as she said "... it does not paint a beautiful portrait of our basic nature." Then, she asked Professor Carson if he had any practical examples of a "...real flesh and blood organization" that had successfully used some of Maslow's assumptions about motivation that he had outlined in his lecture. Carson smiled approvingly in response to Olivia's question and said that he had an example in mind that he would present at the next class session. He asked the group to surf the Web and discover what an insurance company in the Netherlands was doing in their attempt to change their organizational culture and base it on both internal and external trust—internal trust of its employees and external trust of its

subscribers. He then went to the keyboard on the podium and entered: www.Interpolis.nl.

Interpolis: A PowerPoint Presentation of Context

The days went quickly by as Carson prepared a PowerPoint presentation in which some of Interpolis' attributes were characterized.

1. Interpolis employs 25,000 and is the largest insurance company in the Netherlands. Every quarter, employees receive 5 or 6 days of vacation and the average workweek is about 38 hours in length. Work flow management—what comes in and what goes out—is meticulously studied and analyzed. Trust of employees and customers permeates the entire structure and all work processes. For every ten employees, only 7 desks or work stations are provided in the headquarters office building. Interpolis has a flat, decentralized organizational structure. Building space is constructed like a city with four things that inspire workers—work, relaxation, eating, and meeting. And, what is unheard of in the private sector, workers can tell one another of their wages, salaries, and bonuses.

2. Interpolis developed the Flexible Office Concept (FOC); chairs with "big ears" are used for small meetings with a few people and provides an informal, comfortable, and "cozy" environment that is free from outside noise and where confidential matters can be freely discussed.

3. Interpolis found that it had to lay off 700 employees and so it presented the issue to the employees and asked for their suggestions—which were then implemented.

4. Interpolis researched and found that 30 percent of the office space was not used in a conventional office setting; that in 3 out of 10 days the desk was not used. They also discovered that cubicles are good for concentration and that open spaces are good for communication.

5. The company examined its work processes and decided to change the physical way people work. Utilizing FOC (Flexible Office Concept), Interpolis revolutionized the way office space was assigned and used. That is, the associate determines and selects the office space that is best suited for work to be performed—cubicle or open space. The employee, on a daily basis, selects the place they will work based on the environment that best fits the activity or task to be performed. What counts at Interpolis "is that the work gets done."

6. Employees are required to take personal responsibility for their behavior and team leaders must let go and give them the needed job related autonomy to perform their jobs. Team

leaders at Interpolis found that if they trust their associates, their colleagues will work with a sense of newly found freedom, responsibility, and reciprocal trust. Work time is from 7:00 A.M to 7:00 P.M. and is flexed—team members can chose to come in early and leave early or arrive later and stay later. In the final analysis, what employees do and what they accomplish is what counts. Associates determine what constitutes an average week of work and they manage their own time and resources accordingly.

7. Interpolis has a truly great office space—a building that doesn't resemble an office, but reflects a new corporate mindset for management and employees. A large amount of space is devoted to multi-purpose uses for large meetings, relaxation, conferences, consulting, working, eating and meeting people, etc., with a background of music that is suitable to the activity in progress. The corporation believes that a happy worker works more effectively which results in more productivity. Interpolis also believes that a built environment needs to be compatible with modern management theories (corporate culture), and when this takes place, employee satisfaction goes up, absenteeism goes down, and the turnover rate decreases. In brief, the organization becomes a more knowledgeable learning organization, more fun, more productive, and serves customers better with fewer errors. Associates are asked to talk to customers with "...a smile in their voices." These changes are partly related to their high customer satisfaction levels and they discovered that as people needed new or added insurance protection, they thought of Interpolis as the insurance company of first choice. Accordingly, Interpolis grew from 1,400 employees in 1996 to 6,000 employees in 2004, and has more than 100 offices located throughout the Netherlands.

8. Last, Interpolis invested in those essential information systems that would enhance communication and interaction. With state of the art communication technology in place, employees were free to work from their home office (about 2,500 associates work at home or telecommute several days each week) and experience the same speed and ability to transfer information as they had in their corporate headquarters. Team members found that they tended to use their home office for concentrated, thoughtful work; they used other space in the office consistent with the decisions that needed to be made or the tasks at hand, such as meetings.

Questions and Instructions:

1. Please identify and list those elements, traits, or characteristics which you feel are important for an organization to possess if it wishes to be successful in the 2lst Century.

2. Would you be interested in working for an organization that had some of the characteristics and philosophy of Interpolis? Please explain your response.

3. In your own organization, what would you list as some of its defining attributes or characteristics? To what extent, does your own organization compare favorably with what Interpolis has to offer? Please be specific.

4. Would you feel comfortable in presenting to your top management some of the ideas that are central to Eupsychian Management as envisioned by Abraham Maslow? If yes, please explain. If no, please give the reasons why you would feel uncomfortable?

Part 2: STOP! Please Answer Questions 1 and 2 Above Before Reading Part 2

PART 2: INTERPOLIS: A REVEALING PERSONAL INTERVIEW

Based on a personal interview that Professor Carson had a year earlier with a volunteer representative (ambassador) of Interpolis at the Tilburg headquarters, he distributed to the class the written results of a structured interview with Josephine. His questions were wide ranging and dealt with topics as varied as environmental sustainability, organizational norms and conformity, the specialized language used in a new organizational culture, and the genesis of Interpolis and its merger with Acheon. He also solicited some responses that show the interdependency between the "changing nature of work and architectural design," and asked a question on what attracted the representative to Interpolis and what serves a strong retention factor for her now. The results of the interview are transcribed below:

Professor Carson: What happens when an employee goes against the grain or when one disagrees with an established company process or policy?

Josephine: Mavericks are important in the organizational culture of Interpolis. When employees see where change is required to increase speed or reduce cost, for example, or if they want to give voice to an issue such as downsizing, they can present their ideas before a hearing board. As a result of incorporating employees into the decision-making mix, the operational costs of Interpolis have declined, processes have been improved, and efficiency increased. Hearing boards provide an open, transparent, non-threatening forum in which the issue or change at hand can be laid on the table and discussed and analyzed. For instance, the following kinds of questions might be asked: Why is a specific change required? Why are things done in a certain fashion? What would be the end result or effect if a process or policy was altered or changed? We think this type of open, non-threatening

environment is necessary in establishing a trusting relationship.

Professor Carson: I can see how the hearing boards work from the employee's point of view, but what happens when the interest of Interpolis and those of the customer collide?

Josephine: Although some other insurance companies in the Netherlands think Interpolis is 'crazy,' when it comes to how we do things here, we disagree and strongly believe it makes complete logical and rational sense. We know from behavioral research that the way we work affects what we accomplish and how we feel. We are not a company made up of bloodless automatons or robots! We want to be acknowledged as mature, responsible, loyal, valued, supportive, comfortable, and joyful adults. In this regard, although it may seem strange to those who do not understand the Interpolis' culture, employees can, in the final instance, chose what is in the interest of their clients even though it may trump their own self-interest or that of the corporation.

Professor Carson: I am interested in how Interpolis deals with sustainability and how it factors this concept into its decision making model?

Josephine: Sustainability is a core value to which we are not only sensitive, but committed. In brief, it is factored into product development, the work processes, and the way we work in our built environment. For instance, Interpolis is a totally digital work environment. Our associates have what information they need on their cell phones and laptops. In this sense, except in those instances where contracts and other legal documents must be hard copy by Dutch law, all other incoming mail and correspondence is digitalized. We are a paperless company! Also, we are concerned on how our office complex is used not only from an individual basis, but how it is used collectively and functionally. We constantly ask how can I learn from you—what advice can I receive from others? We put a premium on knowing ones job—of being an honest, trustworthy, open, loyal, and capable team member.

In addition, we support sustainability through the work at home or telecommuting programs, voucher programs for fitness and health activities (wellness), and the company encourages its members to use mass transportation (bus, train, tram), bicycling, and pedestrian means of getting to and from work or in conducting official business. In the realm of equity and fairness, Interpolis business policies do not differentiate between managers and associates. In addition, we also give bicycles to those who request them—free of charge. The Netherlands has a bicycling culture and we do what we can to encourage and sustain this part of our national heritage.

Professor Carson: I have noticed Josephine that you choose your words very carefully when addressing management-employee relations. In the two-three hours we have talked about Interpolis, not once did you mention the commonly used terms of chief, boss, superior, supervisor, or worker or subordinate—the language of hierarchy and competition. You indicated that language affects beliefs and attitudes are often reflected in behavior. How do you see yourself as a team leader or manager?

Josephine: In terms of the Netherlands, we have a complex Dutch language and the word we use for leadership does not translate easily into English. At Interpolis we think of managers as leaders, colleagues, team builders, coaches, motivators, cheerleaders, facilitators, and as partners in a vision team. The leadership attributes and skills that we value are part of a well-thought out human resource management strategy. The term we use is *leiding gwende* or *leiding* (leading) plus *givende* (giving).

Professor Carson: Would you give me just a few ways that Interpolis differs from the other corporations you are familiar with?

Josephine: I will present four major ways that enables Interpolis to develop its uniqueness, and its special employee and customer appeal.

1. The internal norms emphasize the essential quality of having complete trust between associates and team leaders. If you wish for 'trust to grow,' you must provide an environment conducive to its growth. It is like a plant—you need to water it if you wish it to grow and be sustained as a healthy living organism.

2. Loyalty is a two-way street. Employee loyalty is very important to Interpolis and those applicants who have attributes conducive to our special way of behaving and working are selected as associates. Team members are assessed and selected on having the needed skills, attributes, knowledge, and overall competencies essential for the job, plus their organizational fit. Initially the internal team leaders work jointly with psychological consultants in interviewing and rating potential employees on their ability to work in an environment of individual freedom, trust, and responsibility. If one is rejected for employment, the applicant cannot reapply for employment at Interpolis for at least five years. It is very important that Interpolis selects those whose values and behaviors support the building and enhancement of interpersonal trust in the workplace. It bears repeating that the way we work affects what we accomplish and how we feel as colleagues: mature, loyal, joyful, comfortable, valued, supportive, and responsible adults.

3. Additionally, clients—those insured—are also trusted. Just as Interpolis humanized the way of working internally, it also places a human touch on its relationships with customers. For example, associates are expected to pick up the telephone and answer the call before the third ring. This affects the image of Interpolis—its brand. Also, associates talk to the clients with a "smile in their voices." Further, all insurance policies must be written and communicated in 'crystal clear' language—in a normal conversation language—the same way you would like to be addressed and talked with by the corporation. Interpolis' goal is to present its policies honestly, and thus it has eliminated institutional and insurance jargon in its oral and written correspondence and communication. It short, policies and disclaimers are clearly written, transparent, and direct. The word *glashelder* or 'crystal clear' is the standard used for effective, non-

bureaucratic communication.

4. In a unique way, the customer is trusted visibly and implicitly. For example, a customer who has suffered a loss, such a as a stolen television or Play Station, is not asked by Interpolis to produce an original receipt as proof of purchase. Why is this the case? The answer is simple—the customer is a trusted partner as well. Instead, the customer can go the Web Store and select a new television and can even upgrade for a larger size. The customer wants a solution for their problem! Competitor companies feel that the customer wants to be fraudulent—that they want to cheat the insurance company. In fact, Interpolis' research and investigation shows that fraudulent cases did not increase in their extending trust externally—that customers respected the trust they were accorded. So, although the company has an investigative bureau with trained, skilled, and experienced service agents who know what clues to look for as indicators of deception or dishonesty, the customer can leave the receipts for its lost purchases at home! It is very rare or uncommon to trust the insured in the business world today that often people 'distrust the trust' they are given. If customers are found to be deceptive or dishonest, however, they are banned, barred, or 'black listed' from securing insurance from any of the Netherland's insurance companies. Of course, this represents a severe penalty for violating the cannon of trust!

5. Interpolis has a unique built architecture that corresponds to the organizations behavioral objectives. It has a white conference room in which decisions are made free from all outside interruptions—a room in which 'light' represents truthfulness in conducting meetings and making decisions. It also has a wisdom room in which people are surrounded by inspirational quotations, admonitions, poetic and philosophical expressions and exhortations. Further, it has a room for dressing and showering for those who walk, bicycle, jog, etc., to work or engage in physical exercise programs. And it has a lactation room that is especially designed for women who breast feed or pump for later use. Interestingly, it has purple brainstorming room in which people are positioned about a round table. Overall, the built environment has architectural design features such as streets, squares, places, and rooms designed to facilitate work, decision, and effective communication. These areas are set off by the ten special area club houses, all with different themes, designed to meet those essential activities that take place in the office: meeting, working, eating, and relaxation. Finally, although there are too many other features to mention here, it has a gourmet cafeteria for employees in which they can entertain clients and experience formal dining at its best. Employees take the food and beverages they wish from the cafeteria and charge themselves for their own purchases—there is no cashier present to keep the employees honest.

Professor Carson: How did you come to work for Interpolis?

Josephine: This is a complex journey that was begun when I was a part-time student employed in the communications unit. Then, insurance did not seem to be an attractive or sexy business in which to work and have a career. However, working at Interpolis was different from what I had imagined about corporate cultures: rigid, dogmatic, inflexible, mundane, monotonous, routine, and bureaucratic. I soon realized I was not thought of as a 'dreaded slot-filler' by management and I responded accordingly as an independent, mature, goal oriented, and enthusiastic adult. Within hours, I began to understand how Interpolis was differentiated from the other large insurance companies in the Netherlands, although it was started in 1969 as an insurance provider for farmers and agricultural organizations. It was a totally new way of working for me—working in an environment of trust, freedom, loyalty, and individual responsibility. A milieu in which these values were mutually reciprocated between all members of the team—our associates with whom we had bonded. In brief, the key factor that attracted me to Interpolis and still has a magnetic draw is the way in which associates identify with a way of working—a culture that integrates people, place, process, customers, and technology in an environment of complete trust, connected by supportive IT hardware that enables effective communication with one another.

Questions and Instructions:

5. Now, having read the transcribed interview that Professor Carson had with Josephine, would you change any of the responses you had to the first four questions in this case study? If so, which would you modify or change and why?

6. Josephine mentions that Interpolis has integrated from a strategic management perspective people, place, process, customer, and technology. In your organization, have these elements been systematically addressed in an integrative fashion? Please explain.

7. What have you learned about Interpolis that you believe makes it a truly innovative "star" in terms of corporate culture and could these innovations be replicated in your own organization? If yes, why and if no, why not?

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From Dan to Danita: LGBT-Based Discrimination to Issues of Religious Freedom

by
C. Kenneth Meyer and Kory Schnoor

Introduction: Awareness, Denial, Reality

Daniel Flint knew he was not alone in facing the trials and tribulations that he would endure as a transgendered person. He had been active in the LGBT (Lesbian, Gay, Bisexual, and Transgender) movement in town, but he kept his own sexual identity as a deeply held secret. He had sought counseling before, but he was reluctant then to share his true feelings with his counselor. Over time, his level of courage grew and now he wanted the "tug-of-war" in his life to be resolved. He was terribly conflicted and he would often whisper to himself in a state of desperation, fear, guilt, and heighten anxiety, "I am a female imprisoned in a male's body—so, how do you like me now."

Today, he would have his fifteenth session with Dr. Joyce Reynolds. Similar to all of the previous sessions, it began with the customary friendly exchanges, the obligatory updates of the activities during the week, and, of course, the progress he had made in transforming himself from a man to a woman.

Dan began seeing Dr. Reynolds, a renowned sex therapist, six months ago, so he could discuss his knowing, lifelong feelings that he felt alien to his own body. He told Dr. Reynolds that since "...the age of ten, or there about, I thought that I would rather die than to live the rest of my life as a man. My emotions, feelings—my inner core nature—is more female directed and oriented than male."

Dr. Joyce Reynolds was one of the most experienced therapists in sexual reassignment in the state and had heard, over the years, the same kind of story from some of her other clients. She always listened attentively and with empathy to what Dan told her and as they went through session after session, Dan developed a comfortable and trusting relationship with her; after all, many of his questioning support group had recommended her because of her empathy and stellar level of professionalism. However, this visit would be more difficult than the others for they had decided it was time for Dan to begin informing important people in his life of his decision to become "Danita."

Dr. Reynolds advised Dan saying, "With only two months to go before your surgery, you must begin to introduce your new self to your coworkers; even before they see you as woman." They talked about how hard it would be to talk about this with those at work, but Dan generally believed that most of his associates would eventually understand. Dan had already crossed one major hurdle when he told family members and his close friends. He was gratified that they had noticed the gradual transition taking place in his life and embraced his personal decision. However, Dan knew it would be especially difficult to talk about his transition and impending sex change with his coworkers who might not embrace his decision with the same empathy, caring concern, and magnanimity. On a personal side, would he make a radical change to his present name? Perhaps, he would take on a new name, such as Joyce, Alicia, Paris or even a more exotic sounding international name like London? But after much thought, he decided that his new name would be a form of Dan—that of Danita—and, at least for now, that suited him perfectly well.

Employment, Interpersonal Dynamics, and Protracted Therapy

Dan had become a permanent employee of the State Department of Transportation, and as an inspector, he interacted on a daily basis with a wide range of professional, technical, clerical and manual employees. In brief, he dealt with contractors, vendors, field staff and upper management across the five state transportation districts. He understood in his own mind, that many of his associates that he worked with and befriended over the years, would have a difficult time acknowledging, not to mention, accepting or endorsing his sex reassignment decision.

As Dan and Dr. Joyce continued the therapy, he told her that he worried about those colleagues who would not accept his sex change and would, he feared, be duplicitous and ridicule and make fun of him. Indeed, he stated, "I am prepared to accept their confusion, but not their discrimination or condemnation." Nevertheless, the session had drawn to a close and an agreement had been reached that Dan would begin informing his co-workers about the upcoming surgery. "Chances are," Dan said, "they've already noticed my hair getting longer and some of the other physical changes brought on by the hormones."

Transgendered in the Workplace—Implications and Repercussions?

The new work week began in typical fashion with Dan's coworkers shuffling into the office at 8 o'clock, fully charged from their weekends that were filled with sundry events and some rather uneventful occurrences that begged for a receptive ear. They were preparing themselves to face the rest of the work week that lay ahead and "getting back into the routine and mundane swing-of things." Dan had dreaded this day for months and as he closed the car door of his 'lentil' green Focus, twinges of anxiety and unfocused fear and uncertainty pulsed though the corridors of his "secret" mind. Certainly, for Dan, at least, this would be an eventful day for him, if not also for his coworkers. After all, it was the day that Dan finally came out and announced his true gender identity.

Dan walked purposefully and directly to his gray-steel "government issued" desk and settled in to do his routine duties. Around midmorning, Dan approached Rose Bailey, his immediate supervisor, and asked if he could have a "confidential and closed-door meeting"—something he had never asked for in his many years of service. Rose was known not only as a competent manager, but also as a supportive, trustworthy, and "people-centered" supervisor with over twenty-years of service to the state tucked under her administrative belt. Dan felt the twin emotions of "tension and relaxation" cascade over his body as he walked into Rose's office. Dan respected and admired Rose and often spoke of her caring concern, compassion and probity in his counseling sessions with Dr. Reynolds.

Looking directly into Rose's eyes, Dan began to speak to Rose in a voice filled with vacillations. He said, "Rose, there is something that I must tell you and ask that you try your best to understand the personal decision I have made. You may have noticed that my hair has grown out and that I am undergoing some small, but noticeable physical as well as body language changes. Well, I have been taking female hormones in preparation for a surgery I will be having in a couple of months."

Rose began to minimally understand the physical implications and alterations that were probably involved, although she had no clue as to the full range of socio-psychological and sexual changes Dan had already addressed in his life. Looking confused, but lending an attentive ear, Rose said: "Dan, I'm not exactly sure what you're trying to tell me here." Dan responded with a manner of quietude: "Rose, I'm having sexual reassignment surgery to change myself from a man to a woman. When the surgery is completed I will have changed from being Dan to Danita." Rose's reaction was one of exaggerated surprise, confusion, but also inquisitiveness, at what she had just been told.

Dan further explained, "Rose, I've spent nearly all my life fighting the fact that I was born in the wrong body. It's caused me to feel depressed for many years. I feel like I'm hiding who I truly am—and I hate my body. This is not something that I have willfully chosen—it seems normal to me when I let my inner female-self emerge." Rose admitted to Dan that she was taken aback by his revelation, but that she would be supportive of his decision as best as she could—for they too, were not only colleagues, but friends. Then she asked Dan to wait on telling anyone else in the department until she had a chance to talk with Henry Rowe, the department's human resource manager. Dan was reluctant to have Rowe informed for fear that he may not understand, yet he reluctantly agreed to go along with Rose's position.

Supervisors Deal with a Transgendered Workforce

Events began to change rapidly and later that day, Rose called Dan and asked him to come to her office. "Dan, I just finished talking to Henry about your situation," Rose began. "Of course, he's a professional and will keep this situation confidential from other employees. However, he wants to talk this decision you have reached through with you. As difficult as this is, he's concerned that some in the department may have a difficult time adjusting to the news." Rose seemed uncomfortable with

the tenor and words of the conversation, and said: "Frankly, Dan, he thinks that if you tell some of the field staff, they may refuse to work with you. I'm very sorry to tell you this. You know how prejudicial and discriminating people can be!"

Dan felt like he had just received a blow to his stomach and that the wind had been knocked out of him. "I'm not exactly sure how to react to this Rose," he retorted. "This is my decision and it affects my life and happiness." Then, Dan grew angry as he continued, "I can't help it if some closed-minded people won't accept who I am. Shouldn't the department treat me the same way it treats everyone else? Don't I deserve to be who I am without fearing the scourge of discrimination?"

Rose feared that she had approached Dan the wrong way and communicated the wrong sentiments about his sex change and, perhaps, had not given full throttle to the message she reported from Rowe. She felt awful.

"Dan, I understand and don't want you to think that we're not supportive of you. It's just that, well, we must consider the impact on all employees your decision will have on the department. I believe Henry's concern is valid. I mean, you know that some of the staff may have a hard time with this. They are used to you as Dan. Some may not understand this need that you feel to have your true identify realized. Hell, they might wonder which restroom you'll use—the men's or women's or the unisex restroom. And with your new name of Danita, they may refuse to call you anything other than Dan."

The conversation between Dan and Rose lasted only a few minutes, but both left work with a mutual feeling of disappointment and uncertainty of what steps should now be taken. Dan had made a commitment to himself after a lengthy discussion with Dr. Reynolds, that he would begin informing his coworkers about his decision. He went home that night and thought about the years of progress he had made in his job; the effort he had put forth to advance the mission of the department; and the respect he had developed for those he worked with over the years. Was all of this work history now for naught, for his gender status would become front and center and laid on the line tomorrow.

Dan Addresses His Colleagues and Asks to be Treated with Respect, Dignity, and Equality

Tomorrow arrived and Henry, Rose and Dan met to discuss his "coming out" to his associates. Henry began, "Dan, I know this has been difficult for you and I can't imagine what you're going through. To be honest, I'm not sure I totally understand, but it's my role to make sure you find your work environment to be comfortable, safe, secure and nonthreatening. I fear, having said all of this, that there are others in the department who may react to your revelation not only with confusion and disbelief, but will be uncomfortable having interactions with you in the future." He continued, "As you know, it is my duty to keep your and their concerns in mind. This situation isn't just about you!"

Dan was unsure of what Henry just told him, although he seemed to be genuinely supportive.

"Thank you for understanding," Dan replied. "Although my decision might well impact others in the department, shouldn't they be expected to treat me just the same way as they treat everyone else? Don't I deserve to be treated with dignity and respect?" he said.

Henry agreed that Dan deserved to be treated fairly and equally. And he further exclaimed, "Under the law, you are protected in your employment. I want to make that crystal clear. Your employment with this department will not be affected in any way by this change. I suggest, however, that we might want to consider the nature of the interactions you might have over the next few months with your coworkers. Dan, you know that many of the field staff can be, well, limited in their understanding of issues like this. During the first few months of your transition, how would you feel about focusing your role and activities at the central office?"

Daniel Flint reacted with sadness with what he had just been told and said, "I'm not sure I agree with you, Henry. I think all my coworkers will take some time to adjust, but I have faith that they will eventually come around. I can't hide under my desk here at the central office. I don't think it's fair, but I'll accept your decision." Henry, satisfied that they had reached a level of mutual understanding, ended the conversation by stating, "I'll help in any way I can to make this transition as smooth as possible." And Rose added her own voice of how she too would be of assistance to Dan as the details of his decision became public knowledge.

The meeting with Henry Rowe and Rose Bailey had ended. Dan felt agitated by what had just transpired and asked Rose if he could take the rest of the day off in order to process the events and decisions that had just transpired. He knew full well that his presence in the office would not completely be the same, but he felt he could deal with what faced him now with pride and confidence for he had become his own woman. And, he would begin to inform his colleagues and hope that they would trust that he had made the right decision for himself.

Questions and Instructions:

1. What role should Henry Rowe play as Director, Human Resources Department, in dealing with Dan Flint's decision to undergo sexual reassignment? Please explain.

2. As program supervisor, did Rose Bailey demonstrate a concern for Dan Flint's civil rights? Please elaborate. In your opinion, should Dan be protected against the potential discriminatory actions of his coworkers and others he deals with in the course of doing his job and coordinating and inspecting the transportation programs? If yes, why? If not, why not? Please explain.

3. If you were in Henry Rowe's position, how would you have prepared the Department of Transportation for the change that Dan Flint was about to undergo? And, for Rose, what should her role be, if any, in Dan's sexual reassignment decision? What should Rose do to make Dan's transformation to a woman be treated in a nondiscriminatory manner?

4. For Dan Flint, how should he "come-out" to his coworkers and others in the Department of Transportation? Please explain.

5. If you were Henry Rowe, how would you go about introducing Danita to her co-workers? Give an example of how you would make this first introduction.

6. If you were in Dan Flint's position, would you have accepted the arguments and decisions made by Henry Rowe and Rose Bailey about his work assignment—at least in the short run? Please elaborate.

7. What, if any, ethical implications are associated with this case study? Please elaborate. What are the moral issues associated with the decision that Danita made? Please explain.

STOP! Please answer questions above before proceeding to Part 2 of this case study.

Part 2. Please read this **Special Announcement** before proceeding to the **Questions and Instructions** portion of this two-part case study.

Bulletin! Breaking News! President Obama Makes Historic Announcement

As this case study was being researched and written, a major announcement was made by President Barack Obama concerning LGBT and transgendered job discrimination in the United States. The Executive Order was issued to coincide with LGBT Pride Month (June), and prohibits federal contractors and subcontractors from discrimination on the five traditional areas of discrimination (race, color, religion, sex, or national origin) and adds one more protection against discrimination to the existing criteria presented in the Civil Rights Act of 1964—LGBT. The White House stated:

> "Today, millions of Americans in most states in the country go to work every day knowing they could lose their jobs simply because of who they are or who they love." Further, "No current federal law adequately protects lesbian, gay, bisexual, and transgender (LGBT) workers from employment discrimination."

Accordingly, with this executive order, federal contractors and subcontractors are prohibited from discriminating in employment areas based on sexual orientation and gender identity--transgendered status (www.huffingtonpost.com/2014/06/16/Obama-enda_n_5499377.html). Previously, President Obama issued Executive Order 11478 that dealt with discrimination on the basis of sexual orientation.

President Obama and the Use of Executive Orders

The President is authorized to set policies governing federal contracting and procurement by the Federal Property and Administrative Services Act of 1949 (FPASA)--a law passed 65 years ago that has been used by presidents, regardless of party identification, since then. Also, executive orders have been regularly used to affect contracts and procurement in the interest of "economy and efficiency" as prescribed by law. Executive orders have been used to deal with discrimination in social or economic areas, age, and race, color, religion, sex, or national origin, to mention just a few. Thus it is not surprising that President Obama would use this method to address discrimination against those employed with federal contractors and subcontractors on the basis of sexual orientation and gender identity, http://www.brookings.edu/blogs/fixgov/posts/2014/06/19-obama-executive-order-lgbt-federal-contractors-hudak.

Most Americans do not realize that in 32 of the 50 states, it is legal to terminate someone merely on the basis of their gender identity and perfectly legal to fire someone in 29 states on their sexual orientation.

Employment Non-Discrimination Act (ENDA): A Dab of History Will Do Ya

The legislation entitled Employment Non-Discrimination Act (ENDA) has been introduced repeatedly in the U.S. House of Representatives since 1974 and would, if it became law, prohibit work place discrimination in both hiring and employment on the basis of sexual orientation and more recently, gender identity, for employers with at least 15 employees. Although the official statistics on the number of LGBT employees that would be covered in the private sector is unknown if ENDA became law, estimates range from 5 to 8 percent of the civilian workforce would be affected (8 to 12 million or more) and nearly 1.5 million would be affected if they worked directly for government. Other estimates place the number of civilian federal contract workers that would be covered by the executive order "...as many as 16 million," http://www.huffingtonpost.com/2014/06/16/obama-enda_n_5499377.html.

The level of discrimination reported varies by LGBT status, with transgendered persons reporting higher rates of discrimination, harassment, and mistreatment than their LGB brothers and sisters. In fact, according to the 2008-2009 National Transgender Discrimination Survey, 97 percent of transgendered people have been harassed on the job, 26 percent have been fired because of gender identity and 19 percent have been homeless due to their identity, and the rate of underemployment and unemployment is also much higher among transgendered persons. These numbers stand in stark contrast to the 88 percent of voters surveyed who indicated that elected officials who vote on an antidiscrimination measure that included sexual orientation and gender identity "...would have no impact on their decision or would make them more likely to vote for that candidate in the future" (Global Strategy Group, GENDA Study, 2208, New York Voters). This study, http://transequality.org/resources/enda_by_the_numbers.pdf, was only generalizable for the state of New York, since it was not a national study. Overall, with the executive order on LGBT, it makes it 100 percent clear that federal employees, regardless of orientation or identity, must be treated equally.

In President Obama's concluding remarks on the LGBT announcement he reinforced what Dr. Martin Luther King stated many times during his life: "...injustice anywhere is a threat to justice everywhere." The president went on to say:

> That's how we continue our nation's march towards justice and equality. That's how we build a more perfect union—a country where no matter what you look like, where you come from, what your last name is, who you love, you've got a chance to make it if you try. You guys have shown what can happen when people of goodwill organize and stand up for what's right. And we've got to make sure that that's not applied just one place, in one circumstance, in one time. That's part of the journey that makes America the greatest country on Earth.

Questions and Instructions:

8. Please research the EEOC statistics and identify the number and percentage of discrimination complaints that have been filed on the basis of these eight protected classes: sex, race, religion, color, national origin, age, veteran status, and disability. What did you find?

9. Please surf the Web, especially the National Center for Transgender Equality (www.TransEquality.org) and research the number and different types of mistreatment, harassment and discrimination which people face on the basis of gender identity and how prejudicial and discriminatory behavior affects their work and life chances. Please elaborate.

General Class Discussion: A Debate on the Pros and Cons of Executive Order on LGBT and Supreme Court Decision on Religious Freedom in the Hobby Lobby Case

Instructions:

Class participants should be placed into two groups: One group will argue the *pros* associated with the expansion of Religious Freedom Restoration Act (RFRA) prohibitions against religion based discrimination; and the other group will argue the *cons* associated with Hobby Lobby decision.

The Issue:

In political commentaries on anti-discrimination laws, it is commonly stated that the "...arc of history bends towards justice." In your opinion, does this recent executive order (E.O.) take us further toward justice in the United States, or does it, as some have argued, especially in light of the recent Supreme Court ruling in Burwell v. Hobby Lobby Stores, No. 13-354, and Conestoga Wood Specialties v. Burwell, No. 13-356, 2014, "...that corporations controlled by religious families cannot be required to pay for contraception coverage for their female workers," (http://www.nytimes.com/2014/07/01/us/hobby-lobby-case-supreme-court-contraception.html) impinge on the right to" religious liberty" for those whose religious convictions would stand in direct opposition to recent LGBT proclamations that prohibit discrimination on the basis of sexual orientation and gender identity.

Alternatively, as Associate Justice Ruth Bader Ginsburg's in her dissent opined:

> "Would the exemption the Court holds RFRA demands for employers with religiously grounded objections to the use of certain contraceptives extend to employers with religiously grounded objections to blood transfusions (Jehovah's Witnesses); antidepressants (Scientologists); medications derived from pigs, including anesthesia, intravenous fluids, and pills coated with gelatin (certain Muslims, Jews, and Hindus); and vaccinations (Christian Scientists, among others)?"

This recent executive order and Supreme Court decision is embedded in controversy that is steeped in religious, political, and other cultural considerations. For instance, does objection to the violation of religious liberty also extend to minimum wage laws? Or, equal pay for women who perform the same type of work as men? Or to **all forms of contraception** and myriad of different surgical procedures (cosmetic to life saving), and to other government regulations (plural marriages) that may be deemed "offensive" on the basis of religious faith? Interestingly, on the basis of faith orthodoxy, would individuals or corporations be protected if their decisions ran counter to civil rights protections, fair housing laws, and would they be exempted from obeying equal employment laws and refusing to serve LGBT customers http://patimes.org/problem-hobby-lobby-decision-legal-confusion/. Finally, what if the Bible or Koran or some other "sacred" religious text forbids cohabitation (before marriage), fornication, or objects to women supervising men—having dominion over—in the workplace, or perhaps requires that women receive permission from either their father or husband prior to going to work, etc.? Should an organization be able to

discriminate in hiring and other employment decisions based on these religious beliefs? (Jim Spencer, "Birtl control set to grow," Star-Tribune, 7/6/2014, p. A5).

Please explain and support with authoritative sources as you engage in a civil discussion with one another.

Reprinted with permission, Clute Institute, Meyer, C. K. & Schnoor, Kory (2014). "From Dan to Danita: LGBT Based Discrimination to Issues of Religious Freedom," Journal of Diversity Management.

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Goats, Guns and Gas

by
C. Kenneth Meyer, Rudy Toth, Lance J. Noe and Garry L. Frank

Roman Gransky had learned how to grow up and grow up fast he did. His parents had traveled what could be called their own version of the "Trail of Tears and Tribulations." But a major difference between their excursion "...down the trail they took across eastern and central Europe and that which the American Indians were moved over in the vast southwestern United States," Roman often said, "...was they found inspiration, opportunity and hope at the trail's end and the First Nation people did not." Gransky is the son of immigrants who escaped the tyranny of political despots in eastern Europe during the middle 1950s and who wandered in the "wilderness" until they were able to cross the "Iron Curtain" and see the radiance of a new kind of light that was to provide a future filled with the prospects of opportunity and peace. To be labeled as "DPs" or displaced persons, was not pleasant as Roman recalled, but it paled by comparison of what life would have been like living in a nation controlled by orthodoxy and diminished even further by the denial of human rights and other civil liberties. His father, who grew up on a farm, fought in World War II, and then operated a small neighborhood store until the Communists took it, would apprise Roman that there were several "truths" that life emphatically taught: 1) "You can't fall off the floor!" 2) "You can't steer a parked car!" and 3) "There are two types of knowledge. The first is the things you learn and know and the other is how to find out what you don't know."

As Roman's parents got jobs and climbed their respective ladders of success, he experienced with them the aspirations and expectations of being able to once again "dream dreams of unimaginable dimensions." They learned to use the tools of innovation and positive thinking to further the prospects of having a more hopeful future, and especially, help create a world that would embrace positive innovations and contest its negative and dysfunctional counterparts of defeatism and fear.

Roman's family was quite typical of many of the other families that immigrated to the United States from eastern and central Europe during those precarious times. They all had their own stories that depicted their terrifying experiences with state police, regimentation, persecution and daily response to a climate of fear, turbulence, and uncertainty. Similarly, his parents shared a commonality with their immigrant predecessors from northern and western Europe who valued the prospects of acquiring educations. Generally, they felt that with appropriate learning and education, one could take advantage of what the "New World" had to offer quickly and that it would move them on to more successful life chances than any other personal attribute. In short, by acquiring an

education and the necessary English proficiency, they felt these dual attributes would serve as "springboards to success" in their newly adopted and cherished country.

Accordingly, Roman did the obligatory things to please his parents. He mastered the English language; was always dutifully courteous to others; minded his own business; stayed out of trouble; did his homework; honored his parents; and was faithful to his religious beliefs and the dogmas of his deeply held faith. Later on, these personal attributes would serve him well as he went on to earn several bachelor degrees in the demanding scientific areas of physics, chemistry, and engineering and eventually a graduate degree in management.

Roman's own history was fascinating enough, but his ability to place the content of his work into a broader theme of understanding the mechanics and politics of bureaucracy and administration only added another layer to his already rich *persona*. He told of his desire to serve in the military, and he did. He spoke of going to work for the federal government, and he did. Gransky easily captured and revealed some of the dynamics associated with the world of building munitions, grenades, bombs, land mines, artillery shells, and other things that would go "bang" in the middle-of-the-night.

Roman would gently ease into the history, at least as he understood it, of what was taking place in the United States by the late 1930s. "By then," he would say, "it was apparent that the world was drifting toward another World War. Through the Works Progress Administration (WPA), the Roosevelt Administration and concerned members of Congress (of both parties) began to build up the military industrial base. One of the areas involved the establishment of an ammunition industrial capacity. The government would rely on three types of production facilities: 1) GOGO—Government-Owned, Government-Operated; 2) GOCO—Government Owned, Contractor-Operated; and 3) COCO—Contractor Owned, Contractor-Operated." Roman explained that this approach worked quite well as the war in Europe began, and during the Cold War that followed during the 1945-1989 period. The GOGO model was considered to be the most responsive for meeting the needs of the "war machine," followed by GOCO, and then, "bringing up the rear," the COCO. He would look around the room as if not to injure anyone's feeling and say that at a "...GOGO, everyone is a government employee except perhaps for services that might need to be contracted out such as janitorial and maintenance." Then he would quickly add to his story, "At GOCO there is an Army staff that oversees the contract under which the contractor and its employees operate the plant and makes production. Under a COCO format, the facilities and employees are all contractors, and representatives of the Defense Contracts Management Command (DCMC) which oversees and accepts production on behalf of the government of the United States."

For those who listened intently to Roman's description of the contracting process—especially in the world of munitions—it was an interesting mental journey they would be taken on—a journey, more likely than not, that they would never forget. Indeed, Roman could weave the story fabric and develop a scenario, as he often said himself, "...into a captivating tale." He continued his story and told how many of these ammunition plants were closed immediately following World War

II, and stated, "...we probably would have closed them all except for the GOGOs, but for the Cold War." He indicated that the ammunition plants were scattered all over the country and one, the Stone Mountain Army Ammunition Plant (SMAAP), was located in the South. He chuckled as he began to weave the next the story he was about to tell, and indicated that it was operated by Brutus Munitions Corporation, and interestingly, SMAAP came under the 2005 Base Realignment and Closure (BRAC) provisions. Nevertheless, "Stone Mountain," the shorten name he assigned to the ammunition factory, made a majority of the detonators, primers, and other explosive components for fusing devices. Also, it was capable of doing a "melt-pour"—melting and then pouring high explosive into 155mm and 105mm artillery shells, 60mm and 81mm mortars, and M67 hand grenades. In addition, it made artillery dispersed antipersonnel and anti-armor grenades and produced artillery dispersed land mines.

As Roman told of the manufacturing capability of Stone Mountain, those unfamiliar to the world in which he had worked for so many years, would often grimace and typically ask him to explain what these artillery dispersed land mines were all about. Conventionally, especially if the listener had followed the efforts of the late Princess Diana and her efforts to eradicate land mines, their perceptions were inaccurate.

Basically, Roman would explain, "Artillery dispersed grenades or 'mines' operate in the following manner. A 155mm artillery shell loaded with the appropriate cargo is shot out over a target area. Then a fuse located in the tip of the shell fires a dispersing charge which shoves the cargo (grenades or mines) out the back of the shell, thereby shearing or cutting-off the base plate. The cargo, then, basically falls as if it were a hail storm. But in this case, it is more appropriately looked at as 'explosive hail' in the case of grenades. If the cargo consists of mines, they fall to the ground and act as an instant minefield, useful for tactical reasons in controlling the movement of enemy forces.

"Of course," he stated, "this understandably presents one of the enduring dangers of using this type of 'hail storm' insofar as the 'friendly force' or the enemy may trigger these explosive devices and lose limb or life—both during the war and after peace has been reached."

Nearly always, Roman would be queried as to the nature of land mines and the ethics concerning their use. He would simply say to his inquirers, "The United States did not sign the international land mine treaty because it would require the de-mining of the Demilitarized Zone (DMZ) in Korea and would also restrict its capability to use artillery dispersed landmines in the event of an attack by North Korea—although we closely follow the spirit of the treaty."

Then, not to get bogged done with the legalism surrounding treaty obligations and modern warfare, he would say, "The U.S. Congress has appropriated money every year for landmine production, but both Presidents William Jefferson Clinton and George W. Bush have by executive order elected *not* to produce any more offensive landmines—accept the Claymore Mine which is

portable, command detonated, and defensive in nature—which would not be covered anyway by the international treaty even if we had signed it," he would conclude.

Eventually, Roman would have woven all the threads together sufficiently in a neat and careful way so that the background of "tapestry" would accurately provide the context for his management story on "Goats, Guns, and Gas." As he told about the location of Stone Mountain, he was quick to talk about the large land area that is required for the production of explosives, and the need to provide for "buffer areas" and to "disperse operations and storage" for obvious reasons. Accordingly, the government used the powers of *Eminent Domain* to seize farm, agricultural and forested lands, etc. Sometimes these ammunition facilities would hold old farm cemeteries, although they would be maintained by the federal government and "...families who had buried their loved ones there would have the right to access and even undertake new burials," he would explain.

The Rest of the Story

Having laid the foundation for the "rest of the story," he relished in stating how much he looked forward to contributing to the safety and the defense of the United States. As a young professional embarking on a public service career, he imagined the sort of the managerial problems that he would be called upon to deal with, and how they would tax his imagination and *repertoire* of management knowledge and experience. And then he would launch into the following tale showing how administration can and often is vastly different than what we might have imagined. Although he laughed while telling the story, it was painfully obvious that he felt an entirely different emotion.

He then told the following story. "In early 2002, I received a phone call from Jefferson Brown, the civilian head of the Army staff at Stone Mountain Army Ammunition Plant. There were several areas of the plant that we had placed into caretaker status after the end of the Cold War in a protracted effort to save money." The buildings were not being properly maintained and the equipment had been disposed of because the capacity was no longer required. These areas—if they could be leased out for commercial firms—would have helped offset plant overhead and would have saved the federal government money. In fact, we already had a dog food processor housed in some of our buildings. This was a "win-win" situation, since it brought in rent payments, while the lessee had a lot of space in an area well-protected by the plant's own security and fire departments. After all, the facilities are located on a governmental ammunition installation.

The Stone Mountain buildings were beginning to look dilapidated and run-down because of the uncontrolled growth of grass, brush, and other kinds of under growth; and the operating company wanted to make these caretaker areas presentable for the purposes of marketing them to other potential users. As such, Brutus Munitions Corporation (BMC) suggested that it buy some goats and put them out to graze on the caretaker areas and they further reasoned that "...they would eat just about anything." In turn, Jefferson Brown inquired if there would be any objections to his "Goat Plan" or should he proceed without authorization.

Roman thought the reasoning seemed simple and straight forward enough on the surface and it represented a reasonable request. However, Daryl Ibraham the, environmental specialist at the headquarters of Stone Mountain, looked closely at BMC's request and was not entirely sold on its merits. He thought that goats left roaming on Stone Mountain would be both unsightly and problematic. He further involved his immediate superior, Barney Luna, senior environmental specialist, and Dr. Roscoe Dillon, the government's staff biologist, and requested their input. Collectively, all three of them were shocked that a plant would even contemplate using "natural" means to keep the grass and shrubs short and under control—specifications that were detailed in Stone Mountain's contract. As the situation further unfolded, it became clear that these "bureaucrats at headquarters" knew nothing about goats in particular or farm animals in general, while some of the workers at the plant had grown up on farms and actually had small farming operations on the side in order to supplement their incomes.

Later on, Roman explained, he eventually found himself connected on a conference call with the biologist and environmental scientists that turned into a heated argument over goats. At once, and at the same time, a number of management notions all collided with the "headquarters versus subordinate installation," "urban versus rural," and "specialist versus generalist" thing coming into play.

"Fortunately," Roman recalled, "the regional antagonisms between the North and South remained on the 'back burner'—and for that he was thankful."

Roman's colleagues wanted the following "Goat Management Plan" (GMP) developed and they treated the goats as if there were some sort of industrial plant equipment. The initial plan would consist of these recommendations: 1) The care and feeding of the goats; 2) Goat healthcare; and 3) Goat liability insurance.

As the GMP was presented to the folks at Stone Mountain, a tense atmosphere was further intensified. Jefferson Brown stated that the controversy and concern over the goats was ridiculous and that "...his father-in-law had leased a plot of land and had goats grazing on it right now and they keep the growth under control."

Dr. Dillon counter-argued and said "...those were private goats and we're talking about putting 'Army' goats in there."

The conference call had become like a tennis match with repeated volleys. Roman listened to the heated, yet polite, conversation and wondered out loud about how one would tell an 'Army' goat apart from just a plain old civilian goat!

To complicate matters more, Daryl retorted, "That's easy—we'll put 'property tags' on the goats and the serial numbers will provide a basis for identification and for inventory that is required periodically." And then, Dillon seriously brought up his concerns about what the People for the

Ethical Treatment of Animals (PETA) might think about the goats and what went with them, and thought they would most likely be "dead-set" against having goats connected to a munitions plant.

Jefferson was reserved during the call and "kept his powder dry." After the conference call had ended, he e-mailed a statement from the local PETA Chapter that applauded the use of goats on the enclosed installation, provided they had freedom of range. Meanwhile, Daryl began to worry about the veterinarian care required for the goats and how they would be maintained and fed during the times when Stone Mountain was closed. Jefferson informed Daryl that the plant people would come in and make sure they had enough water, that they were not sick—at least on the basis of a windshield survey—and that a few PETA members actually worked for Brutus Munitions Corporation and had taken an interest in the welfare of the goats—that is, if they were purchased and placed on-site.

To further complicate an issue that had been ratcheted up to higher levels, Barney Luna inquired as to the ownership of the animals. Jefferson said that BMC would purchase and own them—not the Army. This revelation was not what Barney wanted to hear and he said, "In that case, since they will be company owned and controlled, we will need to have an Environmental Impact Statement (EIS) prepared," and he added, "Brutus Munitions needs to look into securing comprehensive liability insurance in case the goats attack anyone on the reservation, cause a traffic accident, or escape onto the adjacent property and cause damage."

Roman listened with restraint to the conversation, but eventually could no longer control his emotions and erupted into an uncontrollable laugh. He said, "Gentlemen, for heaven's sake we are on a 16,000 acre military installation that produces explosive devices. It already has wolves, fox, rattlesnakes and some have even observed a mountain lion here and there; and you are hung-up over goats attacking people."

Jefferson politely joined-in and reinforced Roman's joviality, and then quipped, "Goats are more likely to be eaten than to end up 'ramming' people."

Barney hearing this, became even more passionate about the goats and said, "Well, then we need to have a plan to protect the goats from predators—and to consider the ecological impact of 'indigenous breeding.'"

Roman asked what they were talking about and the environmental scientists said in unison that the goats were likely to disrupt the ecosystem by their breeding and cause an overpopulation of their species.

Then, Jefferson stated, "But they're not an indigenous species to Stone Mountain—we're bringing them here."

Barney rebutted, "Exactly, but once they are here, they will breed, and breed, and breed."

Upon the termination of the conference call, Roman received an e-mail indicating that the Goat Management Plan that contained the three subsections dealing with the care and feeding of the goats; their healthcare, and liability insurance; had been enlarged to include four (4) significant components: a plan on preventing indigenous breeding; a plan on protecting goats from predators; property tags for the identification, accounting, tracking, and inventory control; and an Environmental Impact Statement. The e-mail cautioned Roman and Jefferson that they were doing a "...really dangerous thing that could disrupt the natural balance in such major ways that the state government might want to contribute to the Goat Management Plan."

Roman read the e-mail over and over and as he sat in his office chair he held his forehead in a posture of complete disbelief over what he had just heard and read. He thought about Stone Mountain as a bomb factory and how explosions are to be feared much more than goats. He made every attempt possible to remain serene, rational, and professional about the Goat Management Plan until the biologist inquired as to the goat's releasing methane into the atmosphere and its associated impact on global warming.

Unable to constrain his previously reserved disposition he raised his voice and said, "Global warming or climate change—I have no idea! Dr. Dillon, the precision of the Earth's axis across a 26,000 year period known to trigger Ice Ages might have some influences. This goat issue has gotten completely out-of-hand."

The story had come to an unresolved end as Roman explained. More importantly, however, was that he had once-again experienced "bureau-pathology" in action or "bureaucracy run-a-muck!" Although he had encountered another bizarre "goat-situation" earlier on in his career at another ammo plant, he did not believe in astrology. Ironically, however, he was a Capricorn—the sign of the goat!

Questions and Instructions:

1. Roman Gransky faced a situation where bureaucratic spheres of interest collided. What were these interests? Please explain.

2. Can you think of any reason why the goat plan took on a life of its own and why it grew to include five major components? Please elaborate.

3. Have you ever felt the frustrations that Roman felt and, if so, do you have an anecdotal story to tell the class? Please tell your own story.

4. If you were Roman, how would you have handled the goat problem? Please explain.

5. Did Roman's personal background have anything to do with the way that he managed the facts and the actions of the major actors in this case? Please explain. What would you have said to the biologist and environmental scientists? Please be specific.

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"Grass" By Any Other Name—Xeriscaping and Sustainability

by
C. Kenneth Meyer, Richard B. Strong, Jeffrey A. Geerts, and Doug Bennett

Introduction: Aesthetics Collide with Sustainable Practices

The dilemma facing the City of Blue Haven is simultaneously a simple one, yet complicated to solve. Would the city come down on the side of water conservation and sustainability or on the side of home and landscape beautification? Jerard Leon directs the city planning commission of Blue Haven, a city tightly nestled in the foothills of southern California, not far removed from a marvelous ocean view, but paradoxically, far removed from a fresh water source. He often commented on the fact that he was surrounded by water—water with a taste of salt.

Blue Haven had recently passed a city ordinance similar that of Garden Grove, California several years ago that reinforced the state's order to engage in water conservation and at the same time the city required homeowners to maintain "a carpet" of green lawn coverage. To maintain a green lawn is not an easy assignment when living in a near desert climate with light topsoil and on summer days when the thermometer often rises above 110 F, further exacerbated by a population growth that is unforgiving in both volume and rate.

From a public and environmental perspective, the planning commission was presented with several questions. During severe water shortage, should the lawn be watered or left to wilt and dry and display a browning aesthetic? Or, alternatively, should a land cover be used that would be suitable for a semi-arid climate—a landscape that consisted of green aggregate (rocks, stones, and desert flora); a landscape consistent with a desert climate (think about cactus and natural plants indigenous to the region); and, of course, if it was good enough for use in sports complexes today, why wouldn't artificial turf be an acceptable alternative for the front lawns of thousands of homes in Blue Haven?

These questions were existential and straightforward enough, but in Blue Haven the lawns must be maintained! The city ordinance boiled down to the enforcement slogan that "…green is in and brown grass is out"—meaning that plants and grass require watering or irrigation on a regular basis. So, to walk on the "balance beam" of the city ordinance was difficult. Too much watering would violate the water conservation standards; too little irrigation would result in the "dreadful"

browning. For some, it was totally unacceptable to install artificial turf, regardless of its bright fluorescent green color, even if it looked like the "real McCoy"—fresh, lush green grass, trimmed and maintained at the right height, and, of course, never permitted to turn from green to yellow to a dreadful brown. In brief, artificial turf was "off limits"—it was banned in Blue Haven.

As Jerard reflected on the problem, he wondered if the city could possibly reach a compromise between the uses of natural or artificial turf. In researching the pros and cons of synthetic turf he found several opposing views on the websites he visited. Synthetic turf, he learned, is an unnatural, petroleum based product with a sizeable carbon footprint. It is environmentally incompatible and prone to discoloration. Plus, it is expensive to install. He also discovered several other problems with the "fake turf." First, once installed it creates an artificial environment that can hold germs and become unhealthy overtime; it may not be pervious, thereby contributing to excessive storm water runoff; it is not only costly, but as it deteriorates with age, aesthetically, it becomes unattractive though weathering. Also the sun's reflected energy/heat from the artificial turf contributed to the heat island effect in Blue Haven. A major counterpoint, however, was that watering and irrigation costs are eliminated and that alone is an important environmental and financial factor to deliberate upon in reaching a sustainable decision. Further, upon reviewing the empirical research he found that several water districts or conservancy districts had assessed the relative comparative advantages and limitations of the different turf types and found that some districts provided inducements ranging from a .25 to $1.00 per sq./foot of natural green space converted to artificial turf, plus the obvious savings associated with watering and irrigation.

The planning commission in consultation with the city's department of urban planning and design of Blue Haven argued the merits and limitations associated with various choices it had before them. Most importantly, with the scientific predictions of reduced water from the snow pack of the Sierra Nevadas, they all agreed that the city should implement those practices that reduced water consumption and the corollary need to expand their water distribution operations, while producing a healthy, sustainable, and aesthetically attractive cityscape. However, they also knew there would be some push back from residents who wanted to maintain their blue grass lawn at any cost. How could they have both landscapes that people would love and simultaneously reduce the total water consumption of their city?

To facilitate their deliberations, it was recommended that the staff of Blue Haven contact one of the premier xeriscape programs in the United States—the Southern Nevada Water Authority (SNWA)—and ascertain their approach to water conservation and the accompanying issues of sustainability. Joseph Teaberry, the senior landscape architect and longtime employee in the Department of Urban Planning and Design was asked to travel to Las Vegas, Nevada and meet with representatives of SNWA.

Teaberry's Preparation for the Interview: Personal Observations and Reflections

Teaberry understood some the paradoxes and contradictions associated with water resource

policy and how, culturally, people receive cues from their communities about customary landscape styles, home design, front and back of residence uses, and even acceptable water use. In Blue Haven and Las Vegas, he thought, the dominant message sent from real estate and development companies, even from the tourist bureaus and recreational interests, is the dominant message of living in an oasis-like urbanscape surrounded by the abundance of water—a kind of "make believe" Elysian of excessiveness! Yet, he knew that most people didn't understand either the geology or geography, the flora or fauna of location related to natural resources, especially water.

Imbedded in his consciousness, he struggled mentally with his own perceptions about water availability, the history of water use in Blue Haven, the ethics and economics of water source ownership, and the practicalities of what life would look like in a culture of water conservation that valued the use of less water in their life activities. He thought about how his own habits associated with lawn irrigation, car washing, installation of efficient plumbing fixtures, hot water recirculating delivery systems, repairing leaking faucets and toilet flappers, voluntarily complying with seasonally-mandatory watering restrictions, etc., would change. As an environmentally-sensitive person, he challenged himself to see the "big picture" and understand the interconnectivity between water supply and uses, the geography of the area, and the many political and economic interests (stakeholders), coupled with the ethical and moral issues affiliated with water conservation and environmental sustainability.

As Teaberry prepared for the interview in Las Vegas, he refreshed his own understanding of the hydrologic cycle, and the fact that every molecule of water ever created, beginning with the dawn of the planet, still exists in one form or another and that human interaction with this valuable resource has been constant, whether in wasteful or conservative uses. He also reflected on the issues he faced in Blue Haven and wondered if there would be similarities with those water issues SNWA had encountered in Las Vegas. For example, he felt that both organizations were primarily in the extraction, filtration, and distribution of potable water for urban uses; each have thousands of miles of ever-aging, infrastructure (pipes, valves, pumps, etc.) that require maintenance and replacement; water pricing policies that are difficult to adjust due to political and economic constraints; and both organizations are concerned with providing a safe, reliable water supply for human consumption, fire suppression, economic development, quality of life, and the general welfare of their citizens.

Teaberry's research also revealed a major similarity between SNWA and Blue Haven: They both obtain the bulk of their water from surface sources and, therefore, manage complex treatment plants to turn raw lake water into potable drinking water. And, geologically, he realized both organizations experienced water quality concerns stemming from land uses associated with upstream agricultural and mining activities and their corresponding run-off problems. He was certain he would find common ground with the SNWA representative on the "preciousness" and increasing scarcity of water worldwide, and its necessity as the most essential commodity - the very lifeblood - of a community.

In the public meetings conducted by Teaberry and his staff, it became apparent that those

who participated in the sessions had differing perspectives on at least three major dimensions of water resources and water quality. First, Blue Haven citizens thought the term "water quality" referred to having an ample supply of fresh, potable, or drinkable water; or water that was safe and healthy to drink; or water (springs, streams, rivers, lakes, aquifers, etc.) suitable for fishing, swimming, boating, and other recreation; or water that one could use safely for agricultural, commercial, residential, and industrial uses; or water that would provide a safe environment on which to have lodges, homes, and public accommodations. In short, the myriad of definitions of what constituted water quality was similar in that it could be used safely for the multitudinous types of regular—if not daily--human interaction people have with this commodity; and, most of all, viewed in simple terms.

Secondly, the notion of what constituted a watershed that served as the supply source for the water used in Blue Haven was not completely understood. Some viewed it quite narrowly as constituting the major streams, rivers and lakes within a reasonably short distance from their locale; others saw it more broadly as encompassing huge swaths of geography that drained water from vastly different and complex geological and environmental sensitive ecosystems (forested area, agricultural, row cropping lands; estuaries, backwaters, marshes, and swamps, etc.), into a maze of tributaries, some small and other that were quite large, all with a "funneling effect" that led to major rivers, lakes, and even ocean; that is an area of land that drains to a final point. This was a salient point for Teaberry, since if one cannot adequately define their area watershed, how can they possible develop and implement policy for its protection. As a senior staff of the department of natural resources stated, "The watershed is the body and the water is the blood. If you desire to fix the blood quality you need to heal the body."

Thirdly, as the open meetings discussion revealed, the metrics (measurements) used by the state, Blue Haven and the U.S. Environmental Protection Agency to assess water quality were not agreed upon. Some people wished to use precise quantitative indicators and other spoke of normative concerns that were difficult to measure empirically, such as impact on Mother Nature and environmental aesthetics. Most citizens had little understanding of how the Clean Water Act of 1972 affected water quality and their own watershed—especially how it's administrative and regulatory authority was currently being exercised. Furthermore, the conversation about water quality and its uses were further debated by the many special interest groups who had their own constituency to represent: The Sierra Club; Ducks Unlimited, corporate agriculture; commercial and industrial concerns; energy producers; tourism interests, neighboring communities, as well as the state, had their own concerns about water distribution and regional priorities for its utilization. In brief, Teaberry realized that several factors would be on the agenda in his upcoming interview with the Conservation Manager for the Southern Nevada Water Authority: Water used for drinking, irrigation, sustaining biological diversity and the ecosystem (terrestrial and aquatic life), and how it is monitored (ambient to targeted measures).

A Structured Interview with the Conservation Manager, Southern Nevada Water Authority

Joseph Teaberry conducted a structured interview with SNWA Conservation Manager Doug

Bennett in June 2011 and again in September 2013. Bennett operates one of the largest conservation programs in the United States, with a strong emphasis on reducing landscape water demands. He provided Teaberry an overview of how water-efficient, xeric landscape proliferated in his service area as water resources became more limited as the result of drought.

With just over four inches of annual rainfall, Las Vegas is an inherently water-challenged environment. In the early 1900s the tiny railroad town relied entirely upon groundwater that flowed freely from an artesian spring. By mid-century, dozens of wells dotted the valley, pumping water to the fast growing and thirsty resort community. With the completion of a federally-constructed water treatment plant on the banks of nearby Lake Mead in 1971, the burgeoning community was finally able to capitalize upon Nevada's share of Colorado River water. As Teaberry and Bennett spoke, river water comprised about 90 percent of the region's supply, with groundwater comprising the small remainder.

An extreme drought on the Colorado River had a profound impact in 2002, requiring the community to reduce its annual demand on the river by at least 25,000 acre feet – more than 8 billion gallons. Despite dry conditions in the upper reaches of the watershed, users downstream continued to draw their share from the gigantic Lake Mead reservoir. As a result, the enormous 250 square mile lake began to decline as much as 20 feet per year. By the time of Teaberry's first visit, the dark, volcanic rock ringing Mead was marked with a chalky "bathtub ring" more than 100 feet high from mineral deposits exposed by the receding water level.

As shocking as the lake appeared, Bennett revealed that having residents be able to see first-hand the impacts of the drought was beneficial. He said that this acknowledgement by the citizens of Las Vegas area that their water supply was becoming precarious as Lake Mead's water level dropped was key to prime the community to accept more sustainable landscapes. In fact, one of the concerns was that one of Las Vegas' two water intakes could lose function as the lake level continued to decline. Bennett said a powerful and relevant image is worth a thousand words.

Bennett reiterated the historical background associated with the "taming" of the Colorado River and the subsequent growth of Las Vegas. The history of the Boulder Dam, the vast system of dams, canals, reservoirs, etc., connected with the distribution of the precious water and energy resources throughout the Colorado River Basin exemplified the leadership and administrative acumen of Herbert Hoover—arguably one of the most brilliant and accomplished public administrators in American history. He accomplished what was considered to be an unfathomable task—to reach water resource agreements with the many western states and their highly differentiated and competitive water and energy needs.

As Bennett's history lesson unfolded, it became clear to Teaberry that the issue of water, water rights, and water conservation in a semi-arid geography had deep political, economic, and ideological roots and that over the years, these roots became intertwined locally and regionally as the different competing interests struggled to get their "fair share" of a limited supply, all the time

mindful that water would eventually become a scarce, critical resource.

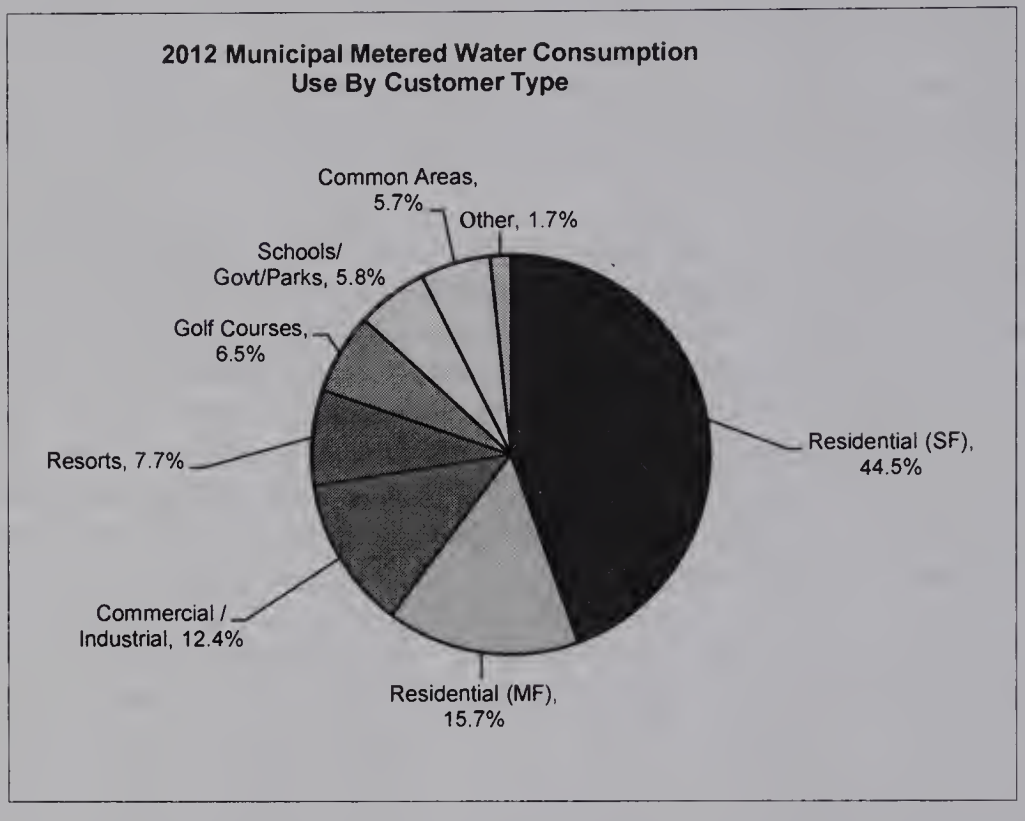
With the passage of the 1928 Boulder Canyon Act, Bennett further explained, Nevada was allocated 300,000 acre feet (AF) per year, or about 1.8 percent of the 16.5 million acre feet (MAF) currently appropriated among seven states and Mexico (Mexico's 1.5 MAF was later appropriated through a 1944 international treaty). An acre foot of water is approximately 326,000 gallons, so the Las Vegas region was allowed to deplete about 98 billion gallons of water from the river each year.

River managers now know the division of the Colorado's water in 1922 was based upon less than two decades of flow data collected during a period of wetter-than-normal years. Over subsequent decades, it became clear the river's reliable flow was 20 percent lower than the amount of water apportioned. In essence, more commitments for water had been issued than the river could consistently support. Despite the over-allocation, the series of agreements governing the Colorado's water use (known collectively as the Law of the River) functioned effectively for decades, primarily for two reasons: First, the river had been plumbed with a series of substantial reservoirs capable of harvesting and storing as much as 60 million acre feet of water. Secondly, few states on the river were actually utilizing their full, legal allotment.

Early on, many viewed water as a free good. This attitude was reinforced by the generous federal subsidization of water infrastructure throughout the West such as dams, canals, pump stations, and elaborate systems of irrigation canals. As an attendant consequence, water itself seemed inexpensive and abundant, leading often to wanton use. But when communities find these historic supplies fully obligated, adding "new" water to the system often comes at great expense. Bennett said these new supplies often are attained through transfers of existing rights for which the original user is paid. In addition, many water agencies, including the SNWA, are considering more distant supplies, which may require extraordinary infrastructure to convey water for hundreds of miles. When these projects are undertaken, the agency typically borrows the money through bonds and repayment of the project is typically embedded into water bills or system fees over the course of the next 20 to 30 years.

By mid-2002, the community had well-accepted that the drought posed real consequences, but the question was how to address water use in the community? Bennett said there was a widespread perception among citizens that resorts and golf courses were using most of the water supply in the region. However, when the SNWA audited each of the major water suppliers in the region, it was clear that residential uses dominated the demand, with nearly two-thirds of all water delivered to homes and apartments. This information is displayed in **Figure 1**, SNWA Municipal Metered Water Use, 2012.

Figure 1. SNWA Municipal Metered Water Use, 2012



The information presented in Figure 1 was a key piece of information in changing the minds of people about considering sustainable landscapes. In fact, earlier studies showed residents thought their single greatest use of water was showering. In reality, research showed homeowners used more than twice as much water on their landscapes as they did for all uses inside the home. Old perceptions of water use were shattered and new factual information was then used to determine water conservation strategies. Since the residential sector accounts for the majority of Las Vegas' water use and the majority of that use is attributable to landscape irrigation, Bennett considered the introduction of water efficient landscape critical to reducing demand.

He knew people's residential landscapes hold deep and complex meanings for them. Many Las Vegas residents came from locales where lush lawns were common and they brought their landscape concepts into a region where sparse rainfall would not begin to support an eastern landscape ethos. Substantial irrigation was the only way to keep them alive in the Mojave Desert environment. How could he convince people to change to more sustainable landscapes?

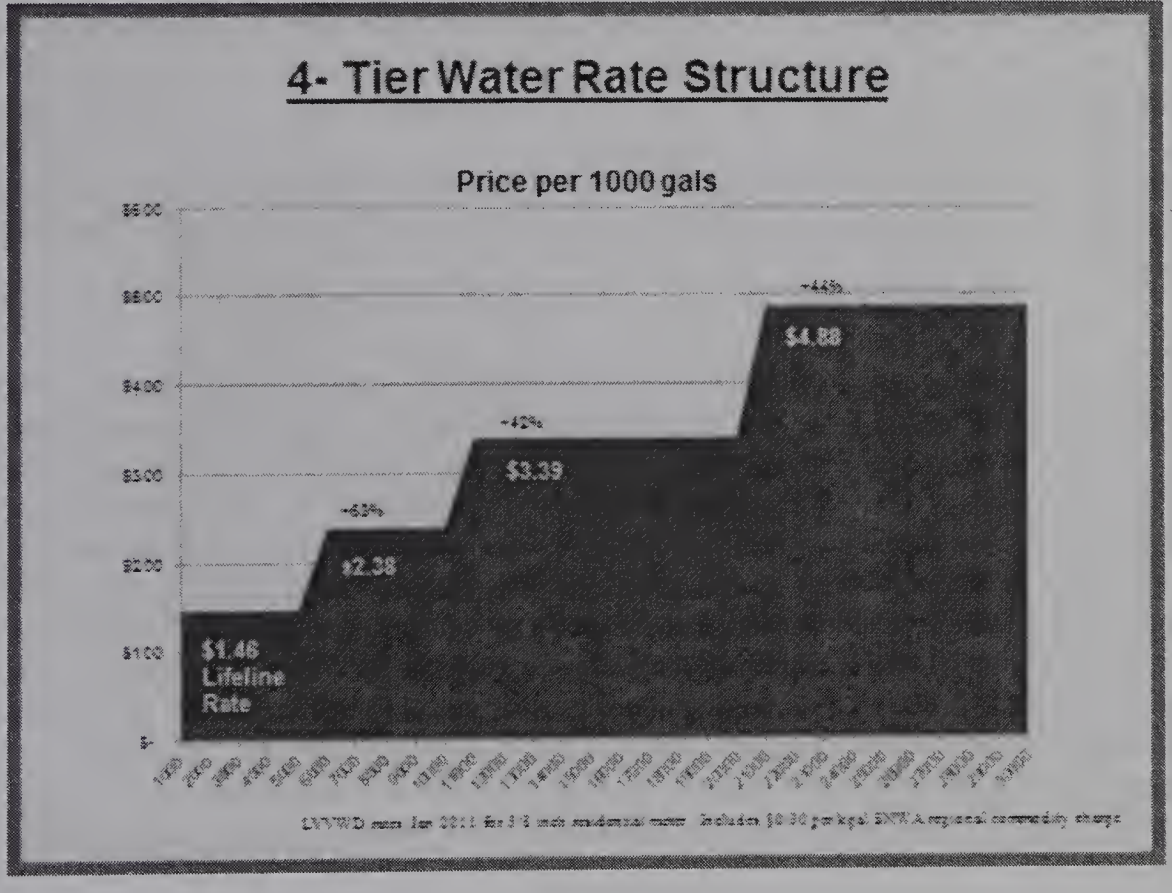
Conservation and Water Pricing Policy

As the interview unfolded, Bennett peeled the many layers of the regional onion. He spoke about the political and legal barriers that influenced prospective strategies, such as water rates. As a

public agency, the SNWA is prohibited from profiting on water sales. As a result, water pricing must be set to produce only enough revenue to pay the expenses of the system. In the private economy, a business firm would normally maximize its profitability, whereas the SNWA is caught in a zero-sum game. To promote conservation through rates while operating within the constraints of the law, SNWA utility members price water using a tiered rate structure (**Figure 2**). In this rate design, the first increments of monthly water use are actually provided at a subsidized rate. Heavy water users eventually breach the higher priced tiers. Known as a 4-tier increasing block rate, this structure encourages conservation through pricing, without creating unnecessary revenue.

Bennett cautioned, however, that complex rate structures also make it difficult to consistently predict revenue, particularly in the midst of an aggressive conservation campaign. If customers conserve more than the utility projects, revenue can fall short of the utility's needs. In response to the revenue shortfall, the utility may implement a rate increase, taking special care to anticipate the effect the new rate will have upon further reducing water use. If the community again exceeds expectations in their conservation response, yet another rate change may occur. This circular process can lead to what Bennett referred to as a "conservation/rate increase death spiral." He said the real threat in such circumstances is not just financial; it is losing the confidence of the customer base at a time when the utility needs to provide credible leadership.

Figure 2. 4-Tiered Water Rate Structure



Teaberry: In view of the limitations on the water pricing mechanism, how is SNWA dealing with water use regulations and policy?

Bennett: Several strategic policies have been initiated to address both new development and existing properties. Although numerous tactics were deployed, those pertaining to landscaping have had the most impact.

6. In response to drought, land use regulations were changed in 2003 to aggressively limit use of lawn grass in new residential development and completely prohibit the use of lawn grass in all non-residential development. For homes, the regulation essentially prohibited front yard lawns and restricted backyard lawns to not more than 50 percent of the planting area. The rationale for this measure was based upon a 5-year research project that determined lawn grass used four times as much water as xeric landscapes comprised of trees, shrubs, and groundcovers that included mulch and drip irrigation. The study showed that irrigation water demand decreased from 73 gallons per square foot per year for lawns to just 17 gallons per square foot per year for water-efficient landscape. This change produced profound water conservation results and is largely responsible for curbing and reversing the trend of increasing demand associated with population growth. Further, since SNWA is a regional authority, all jurisdictions in the region implemented the same regulations. By assuring the regulation was the same in all of the region's jurisdictions, the playing field was leveled among competing developers and also among neighboring jurisdictions. This approach is surprisingly uncommon in metropolitan areas. No one city could create an economic advantage by attracting more development through less stringent regulation. Furthermore, this approach allowed unity in messaging and also provided residents in all jurisdictions with a sense of equity. Bennett emphasized that this was another key factor that created the acceptance of sustainable landscapes into residential neighborhoods. Although these regulations were adopted in response to drought, they have since been made permanent.

7. With development regulations assuring water efficient landscapes for new buildings, the Authority amplified inducement programs to convert lawns on existing properties. In 2003, the SNWA provided an inducement of $1.00 for each square foot of lawn grass converted to what the Authority calls "Water Smart Landscape." In 2007, the inducement was doubled to $2.00 per square foot as a special promotion, then dropped to $1.50 per square foot in 2008. The rebate is tiered, with a $1.50 rebate for the first 5,000 square feet and $1.00 for each additional square foot. Properties are limited to a maximum rebate of $300,000 per property per year. By accommodating large-scale properties, the SNWA was able to work with golf courses, schools, parks, and homeowners' associations. SNWA studies showed the average residential conversion involved about 1,200 square feet and received a rebate of approximately $1,500. Depending on the elaborateness of the xeriscape design and whether a home owner or licensed contractor performs the work), project costs typically ranged

between $3.00 to $5.00 per square foot. This "cost-sharing" approach is consistent with the SNWA's philosophy that if clients are invested in the project, it is more likely to achieve long-term success. **Figure 3** displays a "before" and "after picture of a traditional lawn conversion to xeriscape.

Figure 3.
Conversion of a Typical Residential Property from Traditional Lawn to Xeriscape (Before)

Photo courtesy of Southern Nevada Water Authority

Conversion of a Typical Residential Property from Traditional Lawn to Xeriscape (After)

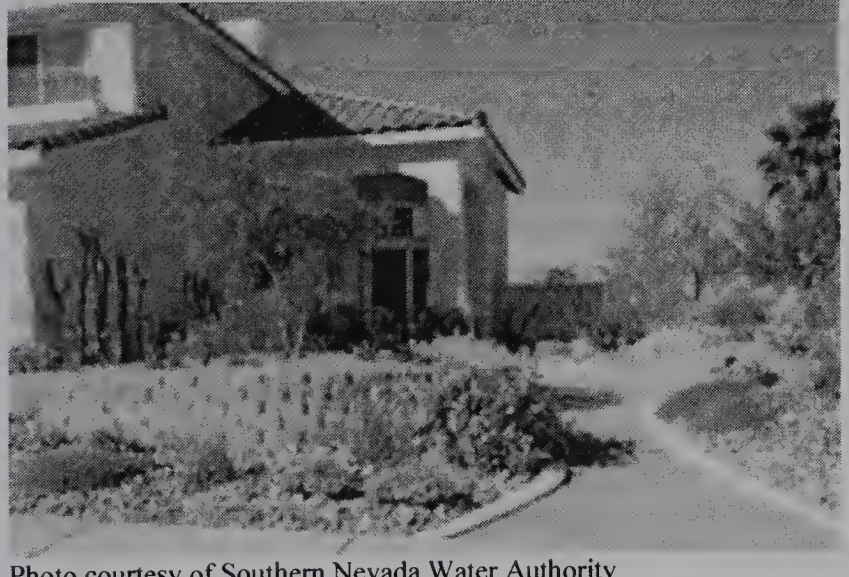


Photo courtesy of Southern Nevada Water Authority

The Las Vegas homeowner got a rebate for replacing 2,200 square feet of lawn with water-efficient plants.

The flora and aggregate used are adapted to the Mojave Desert climate and require less water and custodial care than lawn grass.

Then, Bennett made a final point about the acceptance of water smart landscape. The Authority found as fresh, new development projects appeared with water efficient landscape, community acceptance for the aesthetic began to increase. Citizens began to affiliate xeric landscapes with modern facilities and lawns with older, more dated developments. This phenomenon was welcomed, but certainly unexpected.

Teaberry: What are some of the successes you have experienced with these four strategies you have presented: education, pricing, inducement and enforcement?

Bennett: To date, nearly 40,000 properties have completed projects and received an incentive. To assure the program provides permanent water demand reductions, participating property owners must grant a conservation easement that prevents the water efficient landscape areas from being converted back to grass or water features. This easement is in perpetuity, meaning that no matter who owns the property in the future, they must abide by the restriction.

The SNWA estimates that its landscape conversion program served 10 times as many customers as all other similar programs in the United States combined. To accommodate the high volume, the SNWA has adopted increasingly sophisticated technologies to administer the program. In addition to sending employees equipped with cameras and measuring wheels to properties, the Authority utilizes sophisticated aerial photography and geographic information systems (GIS). Using the GIS systems combined with field measurements, Authority staff members are able to accurately measure large and irregularly-shaped landscape areas. The Authority has also implemented use of multispectral aerial imagery to identify and characterize vegetation in the urban area. This imagery can assist the agency to assess macro-scale changes in urban landscape, but it can also be used to create targeted marketing lists of properties with large lawn areas. Although the images are collected from an aircraft, the imaging techniques are similar to the remote imaging done by the Landsat satellite project managed by the United States Geological Survey. An assessment conducted in 2007 estimated 15,000 acres of lawn grass within the metropolitan area. The challenge, Bennett said, is distinguishing functional turf areas, such as parks, playgrounds, and golf courses, from non-functional turf areas, such as decorative medians, storefronts, front yards, and street parkways. Additionally, this imagery can be used to assess whether the urban forest is growing or shrinking in Las Vegas. The magnitude and pervasiveness of the tree canopy is important since it produces shade, reducing heat island effect on both buildings and landscaped areas.

Many communities have policies that prohibit the waste of water, but not all take enforcement seriously. In the early 2000s Bennett helped SNWA's water agencies move away from

writing citations to a process embedded within the utilities' service rules. Instead of enforcing through the justice system, compliance with the policy is a contractual matter between the customer and their water agency. When warranted, fees are assessed directly to water bills. A violation occurs when watering is done at a prohibited time, or on a prohibited day; when water sprays or flows off of the property. Inspectors only issue a notice when credible evidence exists that a violation has taken place.

Each year, tens of thousands of field inspections are made in the Las Vegas region resulting in issuance of about 1,000 violation notices. Noncompliance can become very expensive for property owners with recurring violations. For instance, if a home already received a courtesy warning and water is subsequently wasted, a fee of $80.00 will be assessed to the water bill; the second violation escalates to $160.00; and then it continues to double for each additional violation to $320 and on to $640. The fee structure is scaled by meter size, so larger properties with larger water services also experience larger fees; up to $5,000 in some instances. As much as $400,000 in fees have been assessed through the enforcement program in a single year. The progressive fine structure is designed to change customer behavior, thereby contributing to water use conservation. Bennett said enforcement can also be a factor to encourage people to change ornamental lawns (the most common cause of violations), to drip-irrigated landscapes that typically produce no runoff.

Teaberry: You mentioned earlier in the interview about the culture of excessive water use colliding with the values of conservation. Please elaborate.

Bennett: In the Las Vegas region, it's easy for people to be confused about our values relative to water. As an international tourist destination, we've created something of an adult Disneyland with a marketing image suggesting excess and abundance. On the Las Vegas Strip, you'll find one of the world's largest fountains, a bay with full-scale pirate ships, a world-class ocean aquarium, and a mock-up of New York's harbor replete with a spouting fireboat. Off the Strip, however, Las Vegas is much like other southwestern cities. With nearly 70 percent of the Las Vegas economy connected with gaming and tourism, it can be difficult for residents to separate the messages and develop a culture that embraces water conservation.

Culture, of course, can be modified or changed when the economy and lifestyle are faced with imminent dangers of drought. In addition to the severe drought, the SNWA expects that the Colorado River will experience a five to 15 percent reduction in long-term flows as a result of a drying western climate. We walk a fine line between warning our community about water scarcity while simultaneously reassuring them that the water supply is adequate and stable if prudently managed.

Another challenge is the unique perspectives, experiences, and biases of critical stakeholders. Solutions may be more difficult when key stakeholders have seemingly incompatible perspectives (North vs. South, urban vs. rural, and pro-development versus anti-growth).

Teaberry: In Blue Haven, we often hear in our public meetings that water resource

availability could be mitigated by more intensive use of water recycling processes. How do you see this recycling opportunity paying out in your region?

Bennett: Reusing water is a major supply strategy for many water utilities. In Las Vegas, all treated wastewater effluent is directly or indirectly reused. Direct reuse (sometimes called "recycled" water) means treating wastewater to a quality suitable for landscape irrigation. Many of the region's golf courses receive recycled water. Indirect reuse typically involves returning the treated water to a watershed or aquifer so it may be diverted at a later time, often at a different location. Southern Nevada returns highly-treated water to Lake Mead, where it is further diluted by Colorado River water. Through an accounting process, the water deposited may later be withdrawn through an intake several miles away.

Direct reuse is not as simple as many people think. Recycled water is more saline, so irrigation must be carefully managed to avoid damaging plants. The higher the salinity, the greater the quantity of water required to avoid building up salt toxicity in the plant root zone. Laypeople also think it is rational to provide recycled water to homes for landscape irrigation without realizing the cost and complexity of building and maintaining dual water distribution systems and the challenge of sustaining plant health.

Lastly, it's important that communities continue to designate recycled water for meaningful uses. It's not uncommon to see recycled water under-valued and used for marginal purposes or applied through inefficient systems. In some cases it may require more energy and infrastructure to create and deliver recycled water than potable water.

Teaberry: In Blue Haven there is considerable interest in how water policy will impact future economic development and how the city should proceed in developing a culture of "less is best water use." Generally, how do you size up the demand for economic development, the quality of life questions associated with reducing water demand, and the use of regulations on water?

Bennett: Water is perhaps the single most important resource for economic development. Before investors put their money into play, they examine the overall investment climate of a community, including the long-term stability of the water supply. Consider a mega-resort hotel, for example. Many of the properties on the Las Vegas Strip borrowed several billion dollars in construction capital from investors. That money will be repaid over a period of 25 to 30 years or more. If investors thought Las Vegas was going to experience an extreme water crisis at any time in that 30-year horizon, it would significantly discourage investment. In this sense, lower water demand can become an asset to a community's ability to create jobs and maintain or improve quality of life for current and future residents. In the Las Vegas region between 2003 and 2008, per capita water demand decreased by about one-third, but the economy continued to grow at unprecedented rates. The key is eliminating waste and pursuing higher efficiency.

Ultimately, the scarcity of any resource - be it water, land, or energy - has the effect of

driving available supplies toward the highest and best uses, but it may not be appropriate or efficient to let it find its own path. For example, steering limited water toward a project that creates 100 jobs sounds enticing, unless there's the potential that the same water might be capable of supporting 1,000 jobs. Our Water Smart Landscape rebate program is a good example; was it appropriate to spend hundreds of millions of dollars changing existing landscapes, or should we have had more foresight and regulated landscape design much sooner?

Teabury: As take-away points, what do you consider to be the three main results of the xeriscape policy that have been put into practice by SNWA?

Bennett: There are three main results of the xeriscape policy initiative in Las Vegas. Remember, these results must be placed within the historical, political, and legal context that was presented earlier on in the interview. With this in mind, three results are palpable.

1. Over 160 million square feet of lawns have been converted to xeriscape.

2. More than $180 million has been provided as inducements to property owners to offset the costs of landscape conversion.

3. More than 78 billion gallons of fresh water has been conserved and banked for future use.

Questions and Instructions:

1. How does your own lifestyle involve a personal connection and interaction with water and how do you see yourself adapting to a "less is best" cultural sensitivity? Please be specific.

2. Water is increasingly considered to be one of our most valuable resources not only in the United States, but worldwide. It now rivals the importance of energy in the world economy. In what ways does your own city encourage water conservation and water waste reduction? Please elaborate.

3. Please consult your own water department (whether public or privately operated) and report the water usage rates. Determine the volume of potable water usage and indicate whether the trend is increasing, remaining static, or decreasing per population. In your view, does the water utility rate in your own city affect water use behavior either positively or negatively? Please explain.

4. The story of xeriscape in Blue Haven is not an uncommon one in many urban and semi-arid regions of the United States today. If you were Joseph Teaberry, the senior landscape architect, what did you learn from your interview with Doug Bennett, SNWA Conservation Manager, that would be directly applicable to water use policies being formulated in Blue Haven? Please be specific. Would you have asked additional questions of Bennett, or did Teaberry cover the most essential ones pertaining to water use conservation and sustainability. If not, what questions should have been asked? Please elaborate.

5. Learning as much as possible from Bennett, what recommendation would you make to SNWA to enable it to deal more effectively with the twin dilemmas it faces: A) Water rate structure and increased water use due to growth; B) infrastructure costs and economies of scale related to "old" and "new" water resources. Please be specific.

6. Generally, why do you think it is so difficult for residents to embrace conservation practices that would reduce water consumption levels? Please elaborate on the cultural and water preconceptions and other barriers that might affect people constructed reality from the actual reality of the place where they live.

Reprinted with permission, Clute Institute, Meyer, C. K., Strong, R. B., Geerts, J.A., & Bennett, Doug (2014).. "Grass" By Any Other Name—Xeriscaping and Sustainability," Journal of Sustainability Management, 2(1), 9-22.

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Immigration and Diversity

by
C. Kenneth Meyer, Patricia Wright and Stephen Clapham

Joan Panetta had an abiding interest in what the literature uncommonly called "...the changing complexion and face of the United States." She understood in her heart that it was usually a very fine line that differentiated whether one's attitude toward new immigrants was prejudiced or discriminatory. Earlier in her education, a sociologist explained to her that some people are prejudiced and discriminators; some are non-prejudiced discriminators; some are prejudiced non-discriminators; and some are non-prejudiced, non-discriminators. Joan always placed herself in the latter category, and saw no reason why people would either like or dislike others of her kind on the basis of stereotypes or lack of knowledge. Raised in a stable family environment in a rural mid-western community and member of the dominant white class, she looked with disfavor on those who either demeaned or debased the human dignity and human rights of others.

She often said, "Prejudice and bias is fundamentally destructive of others and national borders mean little when populations seek justice, liberty, freedom and the right to self-determination."

Although Joan was versed in the techniques of debate, she normally did not need to use them since she possessed a better than average understanding of the subtleties associated with ethnic and racial hatred, and she had the ability to deliver her insights with clarity and economy. Her peers at work often found her attitudes and beliefs to fall somewhat out of the mainstream, yet she was respected for her steadfastness of beliefs and the manner in which she took on the most delicate of conversations pertaining to questions of race, religion, gender, and ethnicity. It was Joan's style to bring moderation, civility and comity to her discussion with others.

When pressured into a discussion on immigration and diversity, Joan never shied away from the challenge.

She would opine," Immigrants want the same amenities and factors associated with quality of life as do native-born Americans: The opportunity to receive a good education for themselves and their children; access to good health care; safe and affordable housing; and the opportunity for their children to prosper and achieve the American dream. They also want to secure the benefits of living in a free, open society that recognizes basic civil and human rights. In turn, they possess a strong work ethic and wish to develop a sense of community and belongingness; and they want to be

recognized and accepted by others. These are not outrageous demands that they ask from our society. They are the most common needs, wants, and desires that we all have—whether documented, undocumented, refugee, or native-born. And our society would be insensitive to their desires for self-determination, liberty, justice and opportunity, if we were to think differently."

It was interesting to listen to Joan during lunch breaks and around the water cooler to discuss with her colleagues the current topic of the day, whether it was on immigrants as terrorist risks or the protection of the U.S. borders.

She recently commented, "Myths abounded 150 years ago concerning immigration and criminality, immigration and insanity, and immigration and disease. Today is no different, and the chapters that might be written in a compendium of contemporary political and cultural debates on immigration and the changing complexion of America could be similarly written on their uninformed and bigoted pages."

These were about the harshest words that Joan's associates ever heard her use in talking about immigration reform. She wanted to take on the argument that immigrants merely provide a cheap supply of ready available labor for jobs not wanted by native-born citizens. And deal with the commonly held view that they merely drove up the cost of education, health care, criminal justice and the penal system.

Her peers listened attentively to her views, controversial as they were, but she recognized they needed amplification and validation at this critical juncture.

"Borders and national boundaries have been made to appear, through the ages, more impervious and unapproachable than they actually proved to be. The era or empire makes little difference in the perceived threat caused by the unwelcome 'invaders.' Borders are the result of political power, not the manifestation of human development, movement, or change."

One of Joan's pet peeves was that those who stood in opposition to her own orientation would always play the "drain on our economy' card.

This mindset would cause her emotions to stir and she would typically respond with: "There is not one shred of macroeconomic data that empirically shows that immigrants are a net deficit to our economy. They pay taxes, buy homes and furnish them, pay sales and sin taxes on many sorts of goods. This, in-turn, creates the need for new businesses and services. Indeed, the evidence shows that immigrants are more likely to work and less likely than native-born to be on public assistance. Some follow the path that leads them to low skill, low pay jobs in the service and hospitality sectors, and meatpacking and landscaping industries. Others find work in construction, and building trades at lower pay with no benefits and with no government protection against unscrupulous bosses. They are drawn to these avenues of work because jobs are plentiful and they are willing to take them. Generally, the immigrant flow is related to jobs; to gainful employment that will provide for their

economic betterment. It is not connected to public welfare and public assistance. It is important to note that not all foreign born are immigrants, many, depending on the state, are refugees seeking political asylum or fleeing religious or other types of persecution in their homeland. However, some in the U.S. find their foreign languages and unfamiliar religions a threat. Further, their skin color is often deterministic in whether they will be accepted and embraced, or rejected and ostracized in our local neighborhoods and communities."

She was not naive and fully understood that many immigrants are undocumented and violate the laws of immigration and naturalization. When this is the case, it is clearly against the law. However, Joan also knows that many new arrivals are imaginative, innovative and have entrepreneurial talents. They will be associated with the rise of the New Phoenix just like in Greek mythology, and they will build on that which has become dilapidated and derelict in many of our urban centers.

She would amplify her feelings and state that they go to college and earn degrees, work as teachers, scientists, doctors and are dedicated professionals in many areas. They also work in the fields, do the heavy lifting, and provide for the inexpensive food that graces our table of plenty. And those who work the fields as transient and migratory laborers have a shorter life expectancy than the typical life expectancy in the United States by 25 years or more.

Her passion for the topic was palpable on the surface, but for those who had worked with her over the years, they knew these attitudes were genuine. Joan knew that the debate on an issue of this magnitude would not be resolved in the lunchroom or around the water cooler. She and her colleagues will carry home their own deeply felt set of attitudes and beliefs.

Joan's direct supervisor knew of her zeal and enthusiasm for the field of social justice and asked if she might want to conduct some background and historical research on immigration and diversity and prepare a white paper on the topic. He further queried if she would be interested in her role as a training officer, in preparing several case studies which members of her organization might read, lead, understand, and discuss on the generic topic of immigration and the new workplace.

To be invited to prepare and present this training module was a real honor and challenge for Joan. She now had to get busy and piece together the issues along with supporting data in order to inform and, hopefully, dispel the myths of immigration. She laid out her research agenda that would begin with a search of websites to locate local, regional and national organizations that had an abiding interest in immigration policy. She needed to consider the major political, economic, and social issues associated with immigration. She understood that she now had to put her professional writing and analytical skills to work, and in all likelihood, she would be personally judged on how well her component of the valuing diversity training module was prepared and executed.

Of course, Joan was pleased that her supervisor entrusted this module to her, and now she had the chance to put her money where her mouth was. Joan knew that her training component needed to

be thoroughly prepared, statistically accurate, and value-neutral in the compilation and presentation of the factual material.

Joan's head seemed to be swimming in a sea of numbers after she researched and completed the white paper. She learned a great deal about the different groups within the U.S. population, and she hoped that her presentation would provide the basics for the two case studies she prepared for a module on valuing diversity.

As a facilitator of the case studies, she knew that many of the more difficult issues had not been addressed in her background brief, and that they were likely to be raised in the discussion sessions. Although she gained some experience in facilitating case analysis, she still experienced pangs of anxiety. She was concerned about how groups might respond to insensitive and politically incorrect questions, beliefs, and statements that most assuredly were fixed as stereotypes in the minds of some and might rise to the surface during the group discussions. In other training modules dealing with value identification and clarification, she experienced runaway groups—group discussion that revealed prejudicial and biased orientations on the basis of gender, religion, age, and sexual orientation, and she wanted to be prepared to handle these topics that surely lurked just below the surface. She wanted to be prepared in order to serve as an effective group leader and facilitator and create a learning environment that was not psychologically intimidating or threatening to the members of the group.

The training class was composed of organizational members who had mixed ethnic and lifestyle backgrounds. She hoped that the group's diversity would help produce a better understanding of immigration and its many sidebars. In the final analysis, she wanted the discussion to be open, frank, honest, and unrestrained. She hoped the group would have a better understanding and appreciation of differences in the work environment and organizational culture.

Joan laid down the historical record and statistical data for her training component. The case studies she prepared would build on this information—albeit, an imperfect record and incomplete presentation of all the relevant facts that might be needed to address the scenario she had researched and presented. There was, after all, limited time for the training sessions.

America's Salad Bowl of Differences: Fact, Faith, and Fiction

[This white paper is designed to stimulate and facilitate discussion of immigration and diversity policy and does not represent the official position of United Religious and Charitable Organizations]

by
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Introduction: It All Began a Long Time Ago

Since the United States first began tracking immigration statistics in 1820, the country has experienced vast social, economic and policy changes. Every region of the country has been molded by, and will continue to be challenged by, the effects of immigration. The 2000 U.S. Census Bureau reports that 13,060,621 foreign-born individuals entered the US in 1990 or later.[1] By the year 2050, if not sooner, no ethnic group will constitute more than 50 percent of the U.S. population.[2]

The Center for Immigration Studies (CIS) indicates that during the 1990s, more than 1.3 million legal and illegal immigrants settled in the United States each year. CIS further notes: "Between January 2000 and March 2002, 3.3 million additional immigrants have arrived. In less than 50 years, the U.S. Census Bureau projects that immigration will cause the population of the United States to increase from its present 288 million to more than 400 million. The 34.24 million immigrants (legal and illegal) now living in the country is the highest number ever recorded in American history and a 4.3 million increase since 2000. Of the 4.3 million in growth, almost half, or two million, is estimated to be from illegal immigration. Approximately 1 million people receive permanent residency annually. In addition, the U.S. Census Bureau estimates a net increase of 500,000 illegal immigrants annually."[3]

Diversity

Diversity has become discounted, in some circles, as merely another politically correct goal that is separate from the reality of the average American experience. In fact, diversity is essential to equitable representation in all walks of life. It is commonly accepted among the leadership of major corporations, universities, and churches, etc., that if they are to attract and retain top talent and achieve globalization for their products and services, a diverse community of employees is required. If recruited experts and talent from other cultures do not find a welcoming and safe atmosphere for their families, these people will tend to return to their own cultures or become isolated within the American culture.

Early Immigration

The first wave of American immigration occurred from 1815 to 1860. This wave consisted primarily of five million European immigrants who provided inexpensive labor to build the railroads

and for the farms and factories of the country. The influx of this labor allowed the country to expand at an unprecedented pace, but also presented the population with social changes. These changes were the same as those experienced by modern day immigrants. Each generation of immigrants face language barriers, introduction of foreign religions, and low standards of living. Immigration during the first wave equaled the total U.S. population recorded in the 1790 census.

· The second wave of immigration occurred from 1880 to 1914 and was abruptly halted due to the advent of World War I. These immigrants faced a pattern of hostility and suspicion from the earlier wave of immigrants, primarily because of fear of job displacement, social changes and eroding wages. This same pattern of hostility by older immigrants toward newer immigrants is still experienced today in the Asian and Hispanic immigrant populations. The second wave of immigration had peaked by the time any immigration legislation was enacted.

There have been periods of extreme hostility towards immigrants in the nation's history. The Red Scare in the 1920s, the internment of Japanese immigrants during World War II, and the McCarthy Hearings are examples of overreaction because of fears generated by war and communism. During the McCarthy era, the *Internal Security Act* allowed for the deportation of aliens who were believed (not proven) to be politically dangerous.

Legislative History

The history of American immigration can be traced through the immigration legislation and policy that was enacted. In 1921, Congress passed the *Emergency Quota Act*. This act limited annual immigration admissions by country of origin and settled by 1910 to 3 percent. This was followed by the *National Origins Act of 1924*, which lowered the quotas to 2 percent of the total nationality residing in the U.S. in 1890. A 1927 amendment to this legislation set a cap of 150,000 immigrants per year. The amendment also introduced the first restrictions of open immigration by disallowing convicts and prostitutes. These laws favored Europeans and virtually excluded Asians. Indeed, the notion of a yellow-peril was born and nurtured during this period.

The *1952 Immigration and Nationality Act* introduced green cards, temporary work permits, and the admission of political refugees. The annual immigration caps were lowered but removed the Asian barriers of previous legislation. The 1952 act also created the Bracero program, offering temporary work permits to Mexican immigrants. This program was terminated in 1964 because it so closely mirrored indentured servitude.

The *1965 Immigration and Nationality Act* had the intent of limiting overall immigration, but equalizing Eastern and Western hemisphere admissions (setting a ceiling of 170,000 Asian immigrants). Because of the fallout of the Vietnam War, the intent and projected immigration of the 1965 act was vastly underestimated. An example of this miscalculation is demonstrated with these statistics: Southeast Asian immigration was projected to be 17,400 while the actual immigration was

375,000. The family unification clause of the 1965 act also opened higher than projected immigration by family groups from Southeast Asia and Mexico.

The *1986 Immigration Reform and Control Act* enacted the concepts of amnesty and employer sanctions. The intent of the amnesty provision was to free the Immigration and Naturalization Services (INS) to track new illegal aliens. Although a one-year period of amnesty was granted, it was not well received because the immigrant community feared the INS and there was a lack of education about the process. The 1986 act also served to make the American employer the new border patrol by requiring employers to obtain form I-9 for each of the approximately 30 million annual new hires. Employers are liable for knowingly hiring an alien but not liable for the validity of the papers supporting the I-9. "The term, knowing, now includes not only actual knowledge that documents are invalid, but also knowledge which may fairly be inferred through notice of certain facts, and circumstances which would lead a person, through the exercise of reasonable care, to know about a certain condition."[4]

Employers can be fined ($250 to $2,000) for employing illegal aliens. The fines can increase to $3,000 and/or six months imprisonment for habitual offenders. Some employers fear abiding by INS regulations may place them at risk of civil discrimination lawsuits for unjust dismissal or discriminatory hiring practices. Although the statistics concerning illegal immigration were lower immediately after the enacting of the 1986 act, there is no long-term evidence that employer sanctions have been effective.

The *Immigration Act of 1990* increased quotas by 40 percent to 800,000 new admissions per year. The 1990 act has been supported by American businesses needing specialized skilled workers and by advocates of people of foreign origin. The 1990 act introduced new types of visas to help American labor recruit immigrants with specialized skills. These visas include:

Priority Workers (first tier) available to 40,000 immigrants per year with documentation of sustained national or international acclaim.

Advanced Professionals (second tier) available to 40,000 immigrants per year with advanced degrees and exceptional demonstrated abilities.

Professional and Skilled Workers (third tier) available to 40,000 immigrants per year with bachelor's degrees and two years of experience. This is generally applicable to nurses, orderlies, teachers, etc.

Investment Visa, a controversial provision available to 10,000 immigrants per year for those willing to invest at least $1 million in new commercial enterprises employing ten or more persons. Because of few applicants, the number of employees has been modified.

Special Categories available to 10,000 immigrants per year. It is a spillover category for any unused VISA issued in the above categories.

The *Irish Sweepstakes* allows admission of 50,000 per year by lottery.

In 1996, congress passed the *Immigration Act of 1996* which doubled the number of U.S. border patrol agents over a five-year period and mandated the erection of fences at heavily trafficked areas of the U.S Mexico border. As of December 15, 2002, there were 9,824 border patrol agents working for the INS. Of those, 9,500 were permanently assigned to the U.S. border with Mexico to secure the borders and monitor illegal immigration.[5]

The *Patriot Act*, enacted in October 2001, was a response to the Sept. 11 terrorist attacks on the United States. The purpose of the act is to keep track of the 35 million people who enter the country temporarily. The INS maintains a National Security Entry-Exit Registration System for men age 16 and older from two dozen predominantly Muslim countries.[6] Most of those that were required to register were students, tourists or business travelers. Immigration advocates complain that provisions of the Patriot Act discriminate against individuals from selected countries and that the required procedures have not been adequately announced.

Since the 9/11 terrorist attacks, new measures have been enacted to more closely monitor possible terrorists entering the United States. The *Enhanced Border Security and Visa Reform Act of 2001*, includes the following:

- The creation of a computerized entry-exit system, an electronic database of foreigners who enter and leave the United States.
- The creation of machine-readable travel documents and visas, including biometric identifiers that conclusively link them to the bearer.
- Data sharing between law enforcement and intelligence agencies and consular offices that issue visas.[7]

In 2003, the INS was incorporated into the newly created Department of Homeland Security (DHS). The INS has subsequently been replaced with the Bureau of Citizenship and Immigration Services (BCIS), and dedicates its energies to providing efficient immigration services and easing the transition to American citizenship.[8]

Immigration and Diversity Issues

Controversial social and economic issues have always accompanied immigration. The same issues that confronted the first immigrants remain valid for the most recent arrivals. The primary

immigration issues facing society are: security, civil disorder and inter-racial conflict, language, public finance and/or welfare funding, and employment.

Security issues have gained increased importance following the 9/11 terrorist attacks. Advocates of eased immigration policy often find themselves at odds with the advocates of border security. Despite federal government efforts to control U.S borders after 9/11, the flow of illegal immigrants has not been reduced. The population of undocumented residents residing in the United States increased by an estimate 23 percent (from 8.4 million) in the four-year period ending in March, 2005.[9] However, between 2007 and 2009 the number of illegal immigrants crossing into the U.S. shrank by about two thirds, according to the Pew Hispanic Center. The total undocumented immigrant population fell by nearly one million. This decline is generally attributed to the decline in low-skilled jobs.

Civil disorder and inter-racial conflict is often manifested in riots, urban deterioration, and substandard living conditions. Immigrants have traditionally lived in substandard conditions with the hope that the situation will improve for their decedents.

Language issues center around public debate on bilingual printing of driver's licenses, ballots, and other public documents. Language also creates issues for the public school systems and employers. As immigration becomes more diverse, the demand for language education becomes higher. In one Midwestern city with a population of approximately 200,000, the school system reported that nearly 50 languages were spoken among its school age children In Dade County, Florida, 147 different languages are represented in the public school system.

Public finance and welfare funding are controversial issues, especially in difficult economic times. Funding of legal and illegal immigrants has profound implications for public health care, public school systems, and public transit.

Employment issues include job displacement and wage erosion concerns. There is also public debate about the propriety of illegal alien benefits. Some opponents of immigration also argue that immigrants drain the economy by sending large portions of their earnings back to their country of origin. Although this is a common practice, the immigrants are also consumers of food, clothing and housing while residing in the U.S. Without the contribution of immigrant labor, the output of goods and services in the U.S. would be at least $1 trillion smaller than it is today and the civilian labor force would have grown only 5 percent (versus 11.5 percent) between 1990 and 2001.[10] Immigrant labor has had a significant effect on many industrial groups that have benefited from legal or illegal immigrants who have lowered their labor cost. The food service sector hires more foreign-born workers than does any other segment of the U.S economy, employing 1.4 million immigrants.[11]

Major Immigrant Groups

The demands placed upon the domestic budget vary greatly among the various immigrant classes. There are vast differences in age, employment, income, and education in the Asian, European and Mexican immigrant populations as a class. As a point of reference, the 2000 US Census reports the following data as it pertains to foreign-born residents, as shown in **Table 1.**

Table 1: Origin of Foreign-Born Residents

Origin	Percent
Latin American	36.0
Asian	33.1
European	22.3
African	4.4
North American	3.6
Oceania	0.6

Source: 2000 U.S. Census Bureau

The Hispanic Population

The U.S. Census Bureau uses the terms "Hispanic" and "Latino" interchangeably. According to the 2000 U.S. Census Bureau, 32.8 million were of Mexican origin. Overall, 38 percent of the Hispanic population are immigrants.[13] Hispanics report their country of origin as Mexico, Puerto Rico, Cuba, or Central or South America. Hispanics are most likely to concentrate in the Western and Southern regions of the country, and are distributed as illustrated in **Table 2**.

The Hispanic population is also more likely to settle inside central cities of large metropolitan areas. Nearly half (46.4 percent) of all Hispanics live in a central city within a metropolitan area. This statistic is very important since some of the major topics of the immigration debate are connected with urban deterioration, criminal justice and corrections, public housing, public welfare, public transit, public education, and language assistance issues. Each of these topics is further accompanied by important financial, cultural, and religious implications.

In 2000, 39.1 percent (12.8 million) of the Hispanic population in the U.S. was foreign born. Of this group, 43 percent entered the U.S. in the 1990s and another 29.7 percent entered before 1980.[14] Hispanics living in the United States are younger, as a class, than the remainder of the domestic population. In 2000, 35.7 percent of Hispanics were less than 18 years of age, compared with 23.5 percent of non-Hispanic Whites. Relatively few Latinos were age 65 and older as compared with non-Hispanic Whites, as shown in **Table 2**.

Table 2: Selected Characteristics of the U.S. Hispanic Population

Region	Percent
West	44.7
South	33.2
Northeast	14.1
Midwest	7.9

Age Groups	Percent
Less than 18 years of age	35.7
18 to 64 years of age	59.0
More than 65 years of age	5.3

Source: 2000 U.S. Census Bureau

As a class, Hispanics live in family households that are larger than those of non-Hispanic Whites. Over 30 percent of the homes with a Hispanic head of household consisted of five or more people. In contrast, only 11.8 percent of non-Hispanic White families were of this magnitude. Among Hispanic households, Mexicans were most likely to have five or more people.

Education is an especially important area in the immigration debate, especially for the Hispanic population residing in the United States. More than two in five Hispanics have not graduated from high school. The Hispanic population age 25 and older was less likely to have graduated from high school as compared to non-Hispanic Whites. Nearly 27 percent of Hispanics have less than a ninth-grade education, and the proportion of Hispanics in possession of a bachelor or graduate degree is 10.6 percent as compared to 28.1 percent for their non-Hispanic White counterparts as displayed in **Table 3**.

Table 3: Comparative Educational Attainment for Hispanic and Non-Hispanic White Populations: (in percent)

Education Level	Hispanic	Non-Hispanic White
Less than 9th grade	27.3	4.2
9th to 12th grade	15.7	7.3
High School Graduate Or some College	46.4	60.3
Bachelor's Degree Or More	10.6	28.1
Total	100.0	99.9*

*Percentage does not add to 100.0 due to rounding error

Source: 2000 U.S. Census Bureau.

Among the Hispanic community, Cubans are most likely (73 percent) to complete their high school education. If second-generation Hispanic children follow typical American patterns, the educational attainment of Hispanics would be expected to increase.[15]

The 2000 U.S Census Bureau reports that 6.8 percent of Hispanics aged 16 and older were unemployed as compared to 3.4 percent of non-Hispanic Whites. Unemployment rates among the Hispanic groups are illustrated in **Table 4**.

Table 4: Percent Hispanic Unemployment

	Percent
Puerto Rican	8.1
Mexican	7.0
Cuban	5.8
Central and South American	5.1
Other Hispanics	7.8

Source: 2000 U.S. Census Bureau

Hispanics (19.4 percent) were more likely than non-Hispanic Whites (11.8 percent) to work in service occupations. Hispanics were almost twice as likely to be employed as operators and laborers. Only 14.0 percent of Hispanics were in managerial or professional occupations, compared to 33.2 percent of non-Hispanic Whites. Among the Latino groups, the Mexicans were least likely (11.9 percent) to work in a managerial or professional occupation.

Among full-time, year-round workers in 1999, 23.3 percent of Hispanics (compared to 49.3 percent of non-Hispanic Whites) earned salaries of $35,000 or more per year. Mexicans experienced the lowest percentage of the Hispanic population earning $35,000 or more as shown in **Table 5**.

Hispanics (9.6 percent) were less likely than non-Hispanic Whites (27.4 percent) to earn $50,000 or more annually. These income statistics lend to the fact that Hispanics, as a class, are more likely to be living in poverty. Hispanics represent 12 percent of the population but constitute 23.1 percent of the population living in poverty. Hispanic children represent 16.2 percent of all children in the United States but constitute 29 percent of all children living in poverty (see **Table 5**).

Table 5: Hispanic Earnings and Poverty Level

Full-Time Annual Earnings, Exceeding $35,000	Percent
Puerto Rican	29.6
Mexican	20.6
Cuban	34.4
Central and South American	24.5
Living Below Poverty Level	
Puerto Rican	25.8
Mexican	24.1
Cuban	17.3
Central and South American	16.7

Source: 2000 U.S. Census Bureau

The Hispanic percentage of the nation's prison population more than doubled, rising from 7.6 percent to 15.5 percent between 1980 and 1995. At the end of 1995, nearly two-thirds of all state and federal prisoners were Black, Hispanic, or a member of another non-White racial group.[16]

The African-American Population

The U.S. Census Bureau uses the terms "Black" and "African-American" interchangeably and defines the group as any people having origins in Africa. According to the 2000 U.S. Census, 36.4 million Americans identify themselves as Black or African-American. Blacks represent 12.9% of the total U.S. population.[17] The Black population increased faster (by 15.6%) than the total population (by 13.2%) between 1990 and 2000. Blacks residing in America are most likely to congregate in the Southern region of the country (see **Table 6**).

The ten states with the largest Black populations in 2000 were: New York, California, Texas, Florida, Georgia, Illinois, North Carolina, Maryland, Michigan, and Louisiana. Combined, these states represent 58 percent of the total Black population, but only 49 percent of the total US population.[18] The Black population is highly concentrated in approximately 96 counties, mainly in the South. Concentrations of Blacks residing in the Midwest and West tend to be located within major metropolitan areas (see **Table 6**), or in counties containing universities or military bases. Many of the large Black inner city populations have experienced high rates of crime and substandard housing for decades. This trend does not appear to be diminishing. Together, New York City and Chicago account for 9 percent of the total Black population.

Table 6: Selected Characteristics of the U.S. African-American Population

Population by Region of Residence	Percent
West	8.3
South	54.6
Northeast	18.7
Midwest	18.4
Population by Residence Group	
Non-Metropolitan	13.9
Metropolitan (outside central city)	31.0
Metropolitan (inside central city)	55.1
Age of African-American Population	
Less than 18 years of age	33.0
18 to 64 years of age	59.0
More than 65 years of age	8.0

Source: 2000 U.S. Census Bureau

The Black population is, as a class, younger than the non-Hispanic White population (see **Table 7**). Although the Black population is younger, it continues to experience poorer health than non-Hispanic Whites. The Black population reports increases in mortality from homicide, HIV, diabetes, and pneumonia. Contributing to this trend is lack of access to health care, differences in health-related behavior, and stress.[19]

Table 7: Population Percent by Age Group for Black and Non- Hispanic White

Age Group	Black	Non-Hispanic White
Less than 18 years	33.0	23.5
18 to 64 years	59.0	62.4
More than 65 years	8.0	14.0
Total	**100.0**	**99.9***

*Percentage does not add to 100.0 due to rounding error.
Source: 2000 U.S. Census Bureau

Proportionately, fewer Black families (47 percent) than Whites (82 percent) contain a married couple. Families maintained by Black women with no spouse rose from 40 percent in 1980 to 45 percent in 2000. Only 36 percent of Black children (compared to 77 percent of White children) under the age of 18 lived with both parents at some point during a given year.[20]

As a class, Blacks live in family households that are larger than those of non-Hispanic Whites, and 20.6 percent of homes with a Black head of household consisted of five or more people. In contrast, only 11.8 percent of non-Hispanic White families were this large.

Blacks are closing the educational gap that has long existed between Black and White Americans. In 2000, 77 percent of Blacks compared to 88 percent of non-Hispanic Whites earned at least a high school diploma.[21] In 1980, the gap in high school degrees between the two races was 20 percent; this gap has now closed to 11 percent among those earning high school diplomas. The percentage of Blacks earning a bachelor's degree grew from 8 percent to 12 percent in the last decade. Among African-Americans, a higher proportion of women than men earned bachelor's degrees or higher. The reverse is true for non-Hispanic Whites with 31 percent of men and 25 percent of women attaining bachelor's degrees or higher.[22] A college degree has proven to be economically beneficial to the Black population. The median earnings in 1991 for Black high school graduates was $18,620 and $30,910 for those with Bachelor degrees.[23]

The 2000 U.S. Census reports that the unemployment rate for Blacks was more than twice that for non-Hispanic Whites. Blacks aged 16 and older were unemployed as compared to 3.4% for non-Hispanic Whites.[24] This is true, regardless of gender, for Black men and women.

Blacks, as a class, were more likely to be employed in non-managerial professions. Only 17 percent of Blacks were in managerial or professional occupations, compared to 33.2 percent of non-Hispanic Whites as displayed in **Table 8**.

Table 8: Percent Black and Non-Hispanic White Male and Female Populations by Occupational Group and Gender

		Males
Occupation Group	**Black**	**Non-Hispanic White**
Managerial or Professional	17	33.2
Technical or Sales	20	20
Production, Craft, Repairs	14	19
Service	17.0	8.0
Operators, Laborers	31.0	17.0
		Females
Occupation Group	**Black**	**Non-Hispanic White**
Managerial or Professional	24.0	35.0
Technical or Sales	38.0	41.0
Service	27.0	15.0
Operators, Laborers	9.0	6.0

Source: 2000 U.S. Census Bureau

Among full-time, year-round workers in 1998, 28 percent of Blacks (compared to 52 percent of non-Hispanic Whites) earned salaries of $50,000 or more per year. Black families maintained by women with no spouse present (67 percent) were much more likely to have incomes concentrated in the lower income intervals than their non-Hispanic White counterparts (46 percent).[25]

An estimated 34.5 million people were living in poverty in 1998, including 9.1 million Blacks and 15.8 million non-Hispanic Whites. The poverty rate, which was 13 percent for the total population, was 26 percent for Blacks and 8 percent for non-Hispanic Whites. Among all children under age 18, the poverty rate was 19 percent, but was three times as high for Black (37 percent) as for non-Hispanic White children (11 percent). Poverty rates are especially high for Black persons over the age of 65 and for families maintained by women with no spouse present.[26]

Black Americans are arrested, convicted, and incarcerated at rates far higher than non-Hispanic Whites or any other ethnic group. In some inner cities, over half of the Black males in their 20s are under the control of the criminal justice system.[27]

The Asian Population

In 2000, the U.S. Census Bureau reported 11.9 million Asians resided in the United States, representing 4.2 percent of the total U.S. population.[28] Of the total Asian population, 61 percent are immigrants. Asians report their origin as Far East, Southeast Asia, or the Indian subcontinent. Countries of origin include, but are not limited to, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. Asian groups are not limited to nationalities, but include ethnicity as well. The Asian population increased by 3.3 million, or 48 percent, between 1990 and 2000. (See U.S. Census Bureau and www.asian-national.org/immig/html). The largest number of Asian immigrants are from the Philippines (503,945), followed by China (419,114) as displayed in **Table 9**.

Table 9: Asian Immigration: 1991-2000

Country	Population in U.S.
China	419,114
Hong Kong	109,779
India	363,060
Japan	67,942
Korea	164,166
Philippines	503,945
Vietnam	286,145

Source: 2000 U.S. Census Bureau

Asians are most likely to concentrate in the Western region of the United States. Over half of all Asians (51 percent) reside in three states: California, New York, and Hawaii. California has, by far, the largest Asian population, 4.2 million people. The ten states with the largest Asian populations were: California, New York, Hawaii, Texas, New Jersey, Illinois, Washington, Florida, Virginia, and Massachusetts. The largest concentration of Asians tends to be found in coastal and/or urban counties. Concentrations of Asians outside the suburbs of large metropolitan areas were typically located near

colleges and universities. New York City (872,777) Los Angeles (407,444) and Honolulu (251,686) report the largest Asian populations in the United States.[29]

The median age of the total U.S. population was 35.3 years and the median Asian population age was 31.1 years (see **Table 10**).[30]

Table 10: Population by Age Group (percent)

Age Group	Asian	Non-Hispanic White
Less than 18 years	28.1	23.5
18 to 64 years	64.6	62.4
More than 65 years	7.3	14.0

Source: 2000 U.S. Census Bureau

As a class, Asians live in family households that are larger than those of non-Hispanic Whites. Twenty-three percent of homes with an Asian head of household consisted of five or more people. In contrast, only 11.8 percent of non-Hispanic White families were this large. Eight in 10 of all Asian children lived with both parents as compared to seven in 10 children of all races.[31]

Education is an area of great achievement and distinction for the Asian-American community. A high priority is placed on education and achievement in Asian families. Asians have the highest level of educational achievement, as a class, in the United States (see **Table 11**). Japanese-Americans had a high school graduation rate of 88 percent. Nearly one-seventh of the 32,000 doctorates awarded in the U.S. were conferred on Asians.[32]

Table 11: Educational Attainment (percent)

	Asian	Non-Hispanic White
High School Diploma	85	83
Bachelor's Degree	42	25

Source: 2000 U.S. Census Bureau

As would be expected from the high levels of Asian educational achievement, the highest proportions of Asians work in executive and professional occupations, as illustrated in **Table 12**. As a class, Asians are also much more likely to be entrepreneurial. Family groups staff many businesses owned and operated by Asians. Many metropolitan areas have Asian districts, and are identified by locals with names such as, "Chinatown," "Koreatown," and "Little Saigon."

Table 12: Percent Asian and Non-Hispanic White Male and Female Populations by Occupational Group and Gender

	Males	
Occupation Group	**Asian**	**Non-Hispanic White**
Managerial or Professional	37.8	32.0
.Technical or Sales	24.9	20.0
Production, Craft, Repairs	13.9	19.0
Service	17.0	8.0
Operators, Laborers	4.9	17.0
	Females	
Occupation Group	**Asian**	**Non-Hispanic White**
Managerial or Professional	37.8	35.0
Technical or Sales	36.6	41.0
Service	12.7	15.0
Operators, Laborers	1.3	NA

Source: 2000 U.S. Census Bureau

Among full-time, year-round workers in 1996, Asians had the highest median household income ($43,276) among all races in the United States. In most cases, the median family income in Asian and non-Hispanic Whites was not statistically different. The poverty rate for Asians in 1996 was 14.5 percent as compared to non-Hispanic Whites (8.6 percent), Blacks (28.4 percent), and Hispanics (29.4 percent).

Proponents and Opponents of Immigration

Most economists favor immigration because the ability to provide inexpensive goods and labor benefits society as a whole. Because the United States population is graying and has a declining family size, immigration provides a necessary labor pool. In 1900, the US had 5.5 working Americans to support every person over the age of 60. By 2000, the corresponding number of workers had declined to 2.5. Because half of the immigrants are aged 20-39, economists believe that they are a source of vitality for the economy.

In terms of opposition, organized labor has traditionally been an opponent of immigration. While labor has long been concerned about job displacement, statistics indicate that immigrants fill low-end positions, which in turn, create mid-level positions for those they displace. Displacement appears to be greatest in the Black community where Mexican workers have almost completely replaced custodial workers, meatpacking, hotel workers, and some sectors of agricultural workers. Declining clout and membership among organized labor has reduced their overall political importance in the determination of recent immigration policy.

Immigration is also opposed by the Federation of American Immigration Reform (FAIR), an organized lobby group that seeks to limit legal immigration and eliminate illegal immigration.

Conclusion

Although the fiscal and social challenges of immigration are immense, these same challenges have faced every generation since the early 1800s. There is no doubt that the country is stronger and larger because of the immigration that has occurred in the last two centuries. Immigration and diversity policy will continue to be debated in the U.S. and whether or not an acceptable middle-ground is attainable between proponents and opponents of immigration is yet to be determined.

Part 2.

Joan Panetta completed the case entitled "America's Salad Bowl of Differences: Fact, Faith, and Fiction" and was not completely sure if the final product would produce the desired, focused, involved discussion and learning she sought. Nevertheless, she felt that the case demonstrated the truism that the "more we change, the more we remain the same!" Now, it was up to her trainees to read and analyze the situation and then address the Questions and Instructions section that she prepared for this case study.

Questions and Instructions:

1. Do you feel that Joan Panetta showed any biases in the way she presented the information on immigration and diversity? If yes, please provide specific examples.

2. What information, if any, did you find absent in the white paper? Elaborate as to what information you would have included in your background paper if you had been given a similar charge to that given to Panetta.

3. Please compile a list of the major issues associated with immigration as viewed by your class members. Develop a process by which the class may identify the most salient issues; then, list these issues for all to see. Next, based on class consensus, rank the issues in order of importance from most to least.

4. The Non-Hispanic White population profile is substantially different in many ways from the African-American, Asian and Hispanic population demographics. What implications does this pose for the difficulty in arriving at policy that might help alleviate many of the systemic problems that exist in the U.S? You might use the

following sources for information that will help you address this question more completely: www.demography.state.mn.us; www.migrationpolicy.org; and www.pewhispanic.org.

Stop before proceeding to Part 3.

Part 3

Joan Panetta used the white paper she wrote on "America's Salad Bowl of Differences: Fact, Faith, and Fiction," for training sessions during the past few years. The different training cohorts responded with interest and it provoked a variety of deeply held passions that bubbled-out during the sometimes heated, but always intense discussions. Familiar with the growth and financial trends in the nonprofit sector, Joan prepared herself for career succession and transition into another area of the third sector: her experience as a higher level HRM Specialist of the United Religious and Charitable Organizations (URCO) provided the opportunity to learn about the facets of nonprofit management, such as Strategic Human Resource Management (SHRM), pluralism (gender-based discrimination, GLBT issues, "beautyism" and appearance discrimination), as well as the traditional basic activities and functions associated with the recruitment, selection, training and development, retention and evaluation of employees. She researched the newest model of volunteer management by Jeffrey Brudney and Lucas Meijs on the concept of natural resources—that is, viewing volunteers as a continuous resource, similar to energy, forests, wildlife, etc.,—whose continuation and volume of volunteers can be influenced by human intervention, both positively and negatively.

She also was aware of the near ecological changes that were taking place in the health and hospitals and primary care facilities sectors in the United States. A cursory review of the current data compiled by the National Center for Charitable Statistics (NCCS) provided compelling and augmentative support that the time had arrived for her to transition from the religious-related sector to the health sector. Fortunately, as she informed her agency director, the opportunity became available and she accepted the position as director of St. Hildegard's Clinic, Hospital and Hospice Foundation—a professional move in which she has more responsibility, a multi-million dollar budget, and a staff of nearly 35 people. This was an opportunity for her to demonstrate and test her leadership and strategic management skills that had been honed over her many years of service at URCO. It was difficult for her to say goodbye to all of her colleagues, but she knew that Alex Finsterbush would move into her position and would make a wonderful trainer.

Alex Finsterbush took over the HRM Specialist IV position with zeal and enthusiasm and began to prepare for the next cohort that he would teach and facilitate on immigration and diversity. He knew about the white paper that Joan prepared and successfully used during the past few years, and he wondered if its scope and content on diversity and immigration was relevant to today's political, economic, and social environment. He paged through the white paper and thought the comparisons between the national census figures of 1990 and 2000 were reasonably on target even in 2012. He realized that the legislative history had to be edited to take into consideration the newest

executive order on immigrant status by President Obama, but otherwise, the sex ratios between men and women, etc., had remained nearly the same, and the growth statistics were generally moving in the same direction. With only ten days to go before he was to give a stand-up presentation on diversity and immigration, he wondered what changes, additions, or modifications, if any, were in order to make the white paper as factually relevant as it was during Joan Panetta's tenure.

Questions and Instructions:

5. As Alex Finsterbush, please search the U.S. Bureau of the Census and the latest edition of the Statistical Abstract of the United States, and indicate demographic changes that have occurred between 2000 and 2010. Please identify the five most important changes you have discerned and what immigration trends and characteristics continue to move in the same direction and report these modifications to your class. You might wish to augment your presentation with data obtained from the following website: www.americanimmigrationcounsel.org—The Immigration Policy Center—a good source to consult for current statistics.

6. In preparing for class, how would you respond to these common myths about immigrants in your state? You might wish to consult your state's public interest organization that deals with immigration education, employment and other policy areas, such as, for Iowa, the Iowa Immigration Education Coalition (IIEC) at www.iowaimmigrationeducation.org. Some prevalent concerns you should be prepared to address are include:

    a. What is the appropriate professional language used in discussion of immigrants and immigration policy?

    b. Are unauthorized immigrants more likely to be in violation of criminal law than the native population in the state?

    c. Do unauthorized immigrants play by the rules of the state?

    d. Do they pay taxes?

    e. Do they want to learn English or retain the exclusive use of their native tongue?

    f. Do immigrants take jobs away from U.S. born Americans? Please select at least three of these frequently mentioned concerns and discuss them with your colleagues in class.

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17

Introspection, Creativity and Cloud Computing

by
C. Kenneth Meyer and Karen DeMello

Aamer Farina, the leader of IT Solutions at New Trinity Health Systems, enjoyed his time at the annual summit for the Healthcare Information and Management Systems Society (HIMSS). Now that the conference was drawing to a close, he chose to enjoy his last night in the exclusive resort hotel where his organization housed him during his stay. From his executive suite on the 65th floor, he relished bathing in the yellow-orange sunlight as it slowly, but inevitably dipped into the western horizon, and all that remained were the shadows of the tall buildings and skyscrapers of the city. Since he was no fan of height, he was careful as he gingerly tiptoed onto the glass-enclosed balcony, wanting to catch a glimpse of the resort workers below.

He always felt more secure when he had his feet firmly anchored in terra firma, but as he often chuckled to himself, there is always a cost to pay when you live in the world of exclusivity. Edging ever so gently toward the balcony rail, he grasped it and held onto it as if he were its sole anchor to the hotel's infrastructure. At that moment, he peered down, and what he saw filled him with a sense of awe and admiration.

At first glance it seemed to him that a sea of workers was engaged in a beautifully orchestrated and choreographed "kabuki" dance. He watched as the workers folded, stacked and transported the beach chairs—delivering them to their proper and designated storage area to wait through the night, until they would once again be removed and neatly arranged around the pool for tomorrow's swimmers and sunbathers. As a matter of fact, it would have seemed illusionary if he had not been able to discern a specific pattern of behavior, with a near metric cadence to the rhythm of their activity: folding, stacking, covering, loading and transporting the bulky, although lightweight, aluminum-framed beach chairs.

Farina could see from afar the five pool areas, some symmetrical and others asymmetrical in design, yet all perfectly suited to meet the needs and demands for a perfectly befitting relaxation activity. And while some of the beach chairs had been put to sleep for the night, other chairs and tables were simultaneously being readied for an evening of music, dance, and dining at poolside. With wonder and admiration, he muttered to himself that the management of people is indeed the oldest of all human professions and even simple tasks require the action and interaction of people.

His thoughts raced back to the innermost recesses of his managerial memory, and he reflected on how correct Frederick Winslow Taylor, the father of scientific management was, when he articulated the principle of having one best way to do a job. Tonight, as he witnessed the activity below, it seemed to him that even the most mundane and repetitive activity of removing beach beds and replacing them with their complementary furnishings for the evening's gala events had worked efficiently and without a hitch. Indeed, he thought, these workers had been suitably trained to do a specific job and do it right, time and time again. For Aamer, this was magic in motion beyond belief!

Aamer's evening of relaxation and wonderment would soon be interrupted, however, by his need to plan for an impending counseling session with a valued employee back at New Trinity headquarters—a session that was needed if his own shop were to return to a sense of normalcy. He longed for the days when he was a technician and had a predictable 40-hour workweek with a defined set of duties and tasks to perform. On the opposite page of his life's ledger, he did those things and "checked the requisite boxes" that a professional resolve required if he were to move into a managerial position. As such, he thought he had become competent in what he termed the "...ates" of leadership and management: deleg*ate*, orchestr*ate*, evalu*ate*, coordin*ate*, integr*ate*, motiv*ate*, and communic*ate*. When he felt in a humorous mood, he would add to the "...ates" list the actions so often practiced by his managerial peers—procrastin*ate*, obfusc*ate*, and litig*ate*.

Now, his mind had wandered around enough that he had to return to the task at hand. He genuinely liked working with Heather Holten, one of his senior developers, but she had a wild side that often showed itself as she fantasized about how a comprehensive health care information system could be built. Her vision, according to most of her co-workers, was deemed to be wild, weird, crazy, and zany. Yet, what she proposed seemed perfectly rational, sane, logical, and even predictable in her own mind. The attributes that Heather displayed were also those that Aamer liked to see "bubble out" of his staff, and he often remarked to his colleagues about how smart jobs require the use of the right side of brain: creativity, entrepreneurialism, retroductivity, and fantasy.

The evening was beginning to draw to a close, so Aamer, left the balcony, closed the sliding glass door, and returned to the executive desk that was located in an adjacent room to his hotel living quarters. He felt ready for the counseling session tomorrow morning. He had been in "ticklish" situations before where there were outlier perspectives staunchly held by members of the team. But he was ready for the challenge, and confidently, with a sly grin, he reassured himself of his own record of accomplishment: He held a bachelor and master's degree in executive management; he gained nearly 20 years of progressively solid and responsible experience in large, complex organizations; and had been tested time and time again with his supervisor's delegated routine, as well as difficult assignments to be performed quickly and flawlessly. Indeed, his management of a team of five information technicians on the development and implementation of a health care tracking and billing system had met the minimum, state-of-the-art standards he had set for himself and his organization: accuracy, relevancy, efficiency, effectiveness, reliability and privacy.

Back at corporate headquarters, Heather Holten anticipated the upcoming meeting with Aamer. She was apprehensive about explaining some of the issues and problems she faced in working on the Comprehensive Health Care Management Program (CHMP). She understood that the tasks she was assigned had not been fully operationalized, but the saving grace was the delicate legal and privacy issues which New Trinity had to get right on its first iteration, with no room for error.

She remembered she had faced other issues associated with the electrical-chemical revolution, and she reflected on the gnawing problems associated with the digitalization of electronic medical records (EMR). While in graduate school, she recalled reading a report by the Institute of Medicine (1991) that predicted that every physician would be using computers in their practice by 2000, resulting in improved patient care. This overly optimistic projection, she thought, did not mirror today's reality with about 75 percent or more of the health care industry not utilizing the advantages associated with EMR—although the cost savings had been touted as a major selling point of the Affordability Act.

She knew that full implementation of electronic health records (EHR) was partially associated with the high costs of implementation and ability of software and middleware technologies to accommodate different programming formats and data conversion requirements. She pondered the issue of how EHR might change health care delivery in one of the largest and most expensive systems in the world with its rich mixture of hospitals, clinics, and sundry providers. She worried about how these different providers might seamlessly adapt to EMR. She questioned why the United States lagged behind the other industrial democracies, such as Germany, England, Switzerland and Taiwan, in implementing comprehensive EMR systems.

In budgetary and fiscal terms, she felt her budget could deal with the technological demands at the hospital level, but larger questions loomed on the horizon:

1. Who owns the health data or digitalized data records—the patient, physician or hospitals/clinics? In other words, do the chart entries, write-ups, observations of nurses, doctors and other clinical staff, belong to the patient or to the provider?

2. Will digitized medical records reduce medical costs, improve clinical outcomes, accelerate medical discoveries and lead to added data mining and evidentiary-based medicine?

3. Is there an acknowledgement, at least in practice, that patients have a right to copy and control access to their own digitized data, and even have their health data corrected? If, however, the provider owns the data, is there a way to transfer the right to control data development at different provider locations by different providers?

4. In order to expedite the planning and implementation stages of the CHMP, Heather had put considerable thought into the uses and efficacy, especially the costs and privacy (security) measures associated with the uses of Cloud computing.

Aamer Farina and Heather Holten had prepared themselves for their upcoming meeting, but both were unprepared for the range of concerns that would evolve from their conversation. Aamer was prepared insofar as he was an experienced, tested, and successful administrator, and had been on the ground floor in developing data management systems. Heather met her career objectives early on in her professional life by being a knowledgeable, technological and computer-savvy programmer and information specialist. Now, the overarching issue would be the range of autonomy, flexibility, and creativeness that Heather would be permitted or encouraged to exercise at New Trinity. Would Aamer motivate, lead, or simply get out of the way?

Questions and Instructions:

1. Describe Aamer Farina's managerial philosophy, citing examples from the case study to support your description. Explain how you feel this leadership style can impact an organization's approach to innovation.

2. Explain the conflict between Aamer and Heather. In your opinion, which of the two is most responsible for resolving the conflict? Explain your response.

3. One potential solution to the privacy concerns brought about by EMR involves a technology called "segmentation" or "sequestration," which allows information about sensitive medical issues like reproduction, mental illness, or substance abuse to be accessed by medical professionals only when "medically necessary." How could this privacy feature aid Heather Holten in formulating an argument for a more comprehensive EMR system at New Trinity? What potential objections could Aamer pose to this privacy feature?

4. In your opinion, what is the biggest impediment for creating a national EMR system in the United States? What cultural and philosophical differences have led to such a comparatively early adoption of EMR in countries like Denmark and Taiwan?

5. What, in your opinion, is the greatest risk associated with a national electronic medical record system? What are the greatest potential benefits? Do the benefits of such a system outweigh the potential risks? Why or why not?

6. For class discussion after the first five questions have been addressed.

In question 3, above, you were asked to deal with the concept of "segmentation" as a means to protect sensitive medical information. These sensitive files could only be accessed when medically necessary. Even this solution is not simple, however, as there is a great debate regarding what types of information would be deemed medically necessary. For example, even bariatric physicians generally rely on a patient's mental health history to determine the safety and efficacy of weight-loss treatments like gastric bypass surgery.

The class should consider the implications if segmentation prevented physicians from accessing critical medical information. Would such a privacy feature negate the benefits of building a comprehensive EMR system, rendering the new electronic system as fragmented as the current system they are using? In the case study, Heather anticipated this as one of Farina's potential objections, but she sincerely hoped she could overcome his objections with research. She found, for example, that in Denmark, even though patients possessed and valued the right to sequester their medical information, they rarely used this right as reported by Rothstein, M. A. (2012).

Suggestion: Since patient privacy is of premier importance, the instructor or class facilitator might ask a physician or surgeon from a local hospital or clinic to come to the class and participate in the discussion, especially dealing with the many challenges that segmentation would present.

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Kaizen Goes Public

by
Jeffrey Geerts, C. Kenneth Meyer and Lance Noe

Steve Anderson worked for the Department of Air Quality since the early 1970s. He was known by his colleagues as a tireless worker and, as such, as his tenure grew, so did his rank. In his younger years, when he had just completed college, he worked as a lab specialist and conducted air emissions tests throughout the state. Over three decades of working in the department, his responsibilities increased as his knowledge of air quality standards and regulations grew. He was fond of saying that he went to CHK for his education—the "College of Hard Knocks." In instances where the tension would rise in important meetings, he was always quick to be self-deprecating when it came to his understanding of bureaucracy and public policy, and now, there was no one in the department who questioned his expert knowledge or authority in the field of air monitoring sciences.

When asked to speak about air quality and environmental protection to business, industry, or manufacturing groups he did so eloquently. After all, no one in the state had a better grasp of the many standards associated with emission control and his knowledge was encyclopedic when it came to understanding the synergistic effects associated with combining different chemical emissions.

He would often say to those he was meeting for the first time, "I'm in the air business and we all need clean air for healthy living!"

When Steve Anderson was earning his business degree, he never thought his professional life and career employment would be so inextricably connected with monitoring and improving the quality of life for the state. Earlier on in his academic studies, he was exposed to quality of life and social indicator research, and then, like now, found it to be an intriguing field of study. He loved the measurement side of the field, especially when it came to the operationalization of concepts, such as poverty, health, civic enhancement, crime, social disintegration, and air and water quality, and he kept a portfolio of indices, formulas, and equations that might prove to be useful in assessing quality of life in general. As an undergraduate student, he studied business administration and marketing and he did everything that he could to hone his administrative skills. Now he had finally reached the position of supervisor for the air quality permitting program. His colleagues not only enjoyed working with him but among themselves they would frequently say that his knowledge and expertise are above reproach.

Anderson had seen a lot of changes in state government and air quality regulations during his years of governmental service. One of the biggest changes he experienced in state government was the

passage and implementation of the national Clean Air Act. With the passage of the Clean Air Act, the state Department of Air Quality's work load increased tremendously. The number of companies needing air quality permits exploded from literally a handful to several thousand but Anderson's staff didn't expand with the growth.

In commenting to those less experienced in the field, he would often say that, "New state rules had to be written and adopted, permitting procedures had to be developed and put into practice, and major industries with political clout wanted their permits yesterday." In a way, he wished he could have simply "boiler-plated" the federal manuals for the state.

He often reminisced in public conversation, "At least the Clean Air Act came with a funding source. It was not one of those pesky unfunded mandates."

The funding necessary to hire qualified staff to implement the Clean Air Act in the states came from the regulated industries that required the state program services. In the world of public administration, then as now, the trend of charging user-fees made sense to many in the legislature and in the department. Some industries, as expected, wanted reasonable standards and a fair fee structure; others argued with passion that, everyone benefits from clean air so everyone should contribute to funding the program. Some industrial representatives conceded that industry would in the final analysis be obligated to pay, but that the fee structure should be fair and equitable across the playing field, regardless of the type, kind, size or location of the regulated organization.

The most risky political part of Anderson's job was to establish a fee structure that would be used by the state Department of Air Quality. Anderson and his staff had to determine a precise formula that could be used in its calculation. That is, they had to develop a high level of confidence in their expense and revenue estimates, and that would not be an easily accomplished task. Anderson, knew that if they estimated revenue that would be excessive, that the legislative "movers and shakers" would not be happy, and, conversely, if the permitting expenses were underestimated, they would have to go back to the industry for higher fees in the future. Anderson was politically astute and savvy enough to realize that those industries with political clout and acumen to leverage it, would not appreciate a ratcheting-up of the permitting fees for air quality monitoring.

Anderson, when reflecting about the untenable position in which he found himself, would state, "It was if one was between the devil and a hard spot!"

As difficult as it might seem at first glance, the state and the regulated industries were able to reach agreement on a fee structure, however, along with industry payments came the corollary issue of industry expectations. In administrative parlance, Title V air permits were implemented as a function of the Clean Air Act, and these permits cost companies up to several thousands of dollars to obtain. In addition, in order to secure a permit, large amounts of paperwork had to be meticulously completed and this process was time consuming. Further, the permitting instructions were often confusing, filled with jargon and "bureaucratese," and difficult to follow. Some industries did not feel that they had the

engineering expertise required to complete the application forms and, therefore, were required to hire specialized consultants at an additional cost.

As one industry CEO stated, "It cost us a tidy sum to have an outside engineer come in and serve as a consultant. We were required to fill out several thousand pages of documented material and translate the instructions into a common, understandable language. The instructions should have been written for the average consumer in the first place."

Other industry spokespersons noted, and they were correct in their assertion, that an air permit was required even before a new industry could begin plant construction and that a new permit was even required prior to making any modifications in the operation of an existing plant.

For the first two to three years of operation under the new federal law, the state Department of Air Quality issued air permits in approximately 120 days or four months. Thus, for one-third of a year, affected industries could not begin construction or make any plant modifications. As one might reasonably expect, the extensive waiting period became a very tense and stressful time for the applicants, as well as for Steve Anderson and his staff. As a new start-up program, Anderson and his staff had to learn the new program's requirements and, simultaneously, field questions and respond to pressures from the state legislators, various industries, environmental groups, residents and economic development officials.

After a few years passed, Anderson told a colleague during a private conversation, "It was a most trying time for all parties concerned—I never realized what a steep learning curve the department and industries would have to ascend. It was hard for all parties concerned and I actually felt empathy for those firms that were trying to act in a legal and socially responsible manner!"

As the "...regulations, standards, and specifications matured," Anderson frequently noted, "... the department lowered the turnaround time on air permits to only 65 to 80 days. This reduction in permitting time was largely associated with a larger staff that had eventually acquired the needed experience required to fully implement the law, augmented by a continuous quality improvement process that the department used."

In the long journey to proficiency, the staff and the department felt reasonably good about their ability to cut the permitting time by almost 50 percent, while at the same time developing and maintaining a good working relationship with the regulated industries.

Anderson, noted in his monthly staff meetings that the fee for permits had not gone up during the past few years and that monthly client meetings were essential to keeping industries informed on department activities and pending federal regulatory measures. It came as a surprise to Anderson, when several industry leaders approached the department and stated that "much more process improvement was needed."

Henry Lopez, general manager for Consolidated Energy the state's largest private utility, and Jill Evans, director of lobbying for the State Association of Businesses, approached the Department of Air Quality about assisting it in some process improvement initiatives. Lopez and Evans were vehement when they argued that the 65 to 80 day turnaround for permits was too long. They stated that the delay in issuing permits was costing their companies money, put them at a competitive disadvantage, and placed the state at a disadvantage in attracting new businesses. They further asserted that the delay, especially in a couple of cases that they had firsthand knowledge of caused some businesses to consider out-of-state relocations.

Lopez and Evans further suggested to Steve Anderson that the air permitting staff go through a continuous quality improvement process called *Kaizen*. Evans and Lopez reported that the Kaizen process was used frequently in their companies and with great success.

Steve Anderson listened intently to what they had to say, but expressed reservations. He explained that he first learned of continuous quality improvement practices in his college days and that his staff had put some of these efforts to work reducing the time it took to obtain a permit nearly in half. He expressed skepticism about how much more improvement would be possible.

"I think we have streamlined the permitting process and have removed nearly all bottle-necks and obstacles," said Anderson. "I don't believe further improvement is possible at this time."

He further informed Lopez and Evans that the members of his staff already had a full schedule trying to complete the permits in a timely fashion and that to implement the Kaizen process now would not only cost a lot of time and money, but it would negatively impact the timely response that industry had come to expect from his office.

Not to be dissuaded by obstacles to reform themselves, Lopez and Evans countered Anderson's objection by agreeing to fund the installation of the Kaizen process with private dollars. In addition, Lopez indicated that he knew about a change agent who was recognized internationally as a tremendous facilitator for the process, and Evans upped the already attractive proposal by offering to provide assistance from her own experienced staff who had successfully installed the Kaizen process in the business association.

Anderson thought about the determined attitude of the two prominent members of the business community and said he needed time to think about the offer, to do some research and to talk to other members of the department. "Thanks for the generous offer," Anderson stated to Lopez and Evans. "I know you are both convinced about the process and believe it will improve our operations as it has improved yours. I'll get back to you in two weeks."

Several weeks later, Steve Anderson invited Lopez and Evans to his office. He informed them that the Department of Air Quality would take them up on their generous offer, and that the staff was eager to be briefed and acquire the needed training. Anderson also asked that Lopez and Evans notify

the industrial community that this effort would take place and to ask them for their patience as some delays in permitting might be expected to occur – especially with the large amount of time needed to initially learn and use the Kaizen process.

End of Part One

Questions and Instructions:

1. Does a 65-day to 80-day permit turnaround time seem like an acceptable length of time for this governmental service? What about other types of governmental services?

2. Is an industry-based fee or "polluter-pays" fee system appropriate for this example? Why or why not?

3. How much more influence on the Department of Air Quality do you think the user-pays fee system provides the industry? Why?

4. What other kinds of funding mechanisms could be used instead of the industry-paid permitting fee? What are the advantages and disadvantages of these other mechanisms?

5. Is it ethically responsible for the applicant industry to pay for the Kaizen process? Why or why not?

6. Does your answer to question No. 5 change depending on whether just a few industry members provide the funding versus an industry association? If a donation or sponsorship is in order, should it be anonymous for the industry donors? Please explain.

Part Two

The big week has arrived! Steve Anderson has gathered his staff along with Henry Lopez, Jill Evans and her staff and the Kaizen consultant. For the last month, Steve Anderson's staff has been closely scrutinizing the current operations for opportunities for improvement. Also, job-related tasks and responsibilities have been reviewed and time and motion studies completed. Some members of the staff have researched the *Kaizen* process and Anderson attended a Kaizen process improvement program at a local industry.

During the span of a week, participants in the Kaizen process put in more than 60 hours. On the first day they learned about the Kaizen process and how and why it works. They also learned what was expected of them individually; as a group; and how the process would have to be fully embraced on an everyday basis, now and in the future if dividends were to be expected on their investment.

The second day was spent analyzing the current permitting process step-by-step, from the moment the application entered the building to the moment it left.

"No stone or cubicle was left unturned," as one staff assistant explained. Additional time and motion studies were done. All members of the staff were interviewed, including engineers, permit writers, administrative-support staff, custodial staff, information technology staff, and industry members. At the end of day two, it was determined that: of the 65 to 80 days it takes to issue a completed permit, only five hours was actually spent working on each permit from beginning to end. This was an astonishing revelation to the training participants. As iterated and reiterated many said, "Only five hours per permit! Unbelievable!"

On the third and fourth days, the participants were still somewhat stunned and amazed that only five hours went into each permit. The facilitator inspired and challenged them to work together and further identify ways to improve the process.

"We have tasted success already and the process has only begun," said the facilitator. "We can do better and we will! We must now savor the success associated with the use of this powerful process."

Smiling and nodding toward the participants with an accepting approval, he asked them to fully explore and use the data collected on day two. The participants then began their journey of examining everything possible that would enhance the speed and accuracy of the permitting process. They constructed a document checklist that would be provided to the applicant and would insure that a fully completed permit had been submitted. They designed a new electronic database and process tracking system; and they reassigned staff responsibilities in the permitting process that they now found to have caused delays. In the final analysis, they had been able to shorten the 65-day to 80-day permitting process to only eight days.

On the fifth day, the process of implementing the recommended process improvements began in earnest along with a celebration of their accomplishments. They laughed with one another as the facilitator asked them to burn the outdated rules and regulations in a Weber kettle that he had prepared for this purpose. The steps and obstacles that had impeded effective permitting were now gone forever and there was reason to celebrate!

They could have rested, but as one member noted, "They had experienced joy in improving the efficiency, and the effectiveness of the permitting process. Their journey had just begun and they were going to enjoy the ride."

End of Part Two

Questions and Instructions:

7. Knowing now that the permitting process was reduced from as much as 80 days down to eight days, does this change any of your answers to No. 1, 5 and 6 questions? In what ways? Please explain.

8. What, if anything, do you believe will need to be addressed before the Department of Air Quality will be able to fully implement all the necessary changes and lessen the permitting turnaround time to eight days? Keep in mind such issues as staff reassignment, office space configuration, and union contract issues. Please explain.

9. Name three or more additional continuous quality improvement processes or strategies and at least one of their strengths and weaknesses.

10. Knowing the dramatic turnaround that the department realized when it implemented the Kaizen process, would you recommend the process be tried on other public programs? Why or why not?

11. Are there any other ways to get workers involved in continuous quality improvement processes, especially since some employees and unions may fear loss of jobs if the process gets too efficient and if all redundancy is eliminated? Please explain.

12. Can you think of any advantage to building in a slight delay in the permit granting process? Please elaborate.

Part Three

The Department of Air Quality's Kaizen process received substantial positive attention in the state's major newspaper and it even garnered several awards nationally and internationally. Within a year, the department had completed more than a dozen additional Kaizens covering several air quality programs, as well as programs in land quality, water and solid waste. The proof of the Kaizen process success was evident by the facts of the 60 percent reduction in the time required for permit processing and in the financial and technical assistance required, while simultaneously protecting the environment. As a result of the successful Kaizens, many additional staff members of the department were trained to facilitate future Kaizen processes. In addition, Kaizens were also conducted to improve internal departmental operations.

The adage that "...nothing sells like success," was most apropos and the reputation of the department rapidly spread to many other state agencies. The department became ever more entrepreneurial and began to "sell" its Kaizen facilitators to other state bureaus, commissions and agencies who in turn became valuable "home grown" specialists on the process.

Although the Kaizen process was initially approached with suspicion and measured acceptance, its successful implementation went well beyond anyone's wildest imagination. Today, the department and its programs are more efficient, customers report a higher level of satisfaction with the permitting process; and the department has objectively demonstrated an increase in effectiveness without increasing the cost of its operations. Of course, the department rightfully promotes, with pride, the many productivity improvements it has achieved. Indeed, as if fate would have its own revenge, perhaps it celebrated its many accomplishments too vigorously! Anderson was a cautious administrator, but he had enough administrative and political savvy to know that with successful ventures, there is a strange irony that often accompanies them.

As the "rest of the story" is now revealed, the legislators showed how much they valued the Kaizen success in the department when they singled it out for even greater financial scrutiny. The state's Legislative Audit Service was charged with the task of closely examining and auditing the department's operational budget. The completed audit report revealed no major operational deficiencies, and their analysis demonstrated that the department had realized substantial improvements in efficiency and productivity over the previous fiscal year. With the audit in hand, the legislators argued that the department did not require the previous higher level of funding due to their efficient and effective operations, and, therefore, reduced the departments appropriated budget by $700,000 for the next fiscal year.

The departmental administrators and staff faced this "twisted turn of fate" with a feeling of disbelief. They could not fathom what had just transpired before them and they let their feelings gush out concerning the fairness of the legislative process. In short, their hard work, innovativeness and success had been rewarded with punishment—and that made no sense at all.

End of Part Three

Questions and Instructions:

13. What are your thoughts about the legislative cut to the agency's budget for becoming more efficient? Elaborate.

14. Does it make any political or administrative sense to reduce the department's budget as its level of efficiency and effectiveness improved? Please justify your response.

15. Who should decide how to invest or utilize savings accrued from increased productivity or improved efficiency? Would "gainsharing" be an appropriate administrative technique to be used in this instance? If yes, why? If no, why not?

16. What impact will the legislature's decision have on future Kaizen events and process improvement efforts? Please explain.

17. Do you think the department or other state agencies will be prone to use the Kaizen processes in the future given the legislature's action?

18. Should the agency have expected a reduction in its budget as its efficiency increased? Explain.

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Learning and Development in an Agile IT Organization

by
Karen DeMello and C. Kenneth Meyer

As the new Process Management Consultant for New Trinity's IT Application Development Department, Max Logan was charged with a simultaneously vague yet explicit directive. The vice president of New Trinity's IT organization wanted to cultivate a "culture of learning" among its growing number of IT professionals. In order to accomplish this goal, the vice president challenged Max to build the capacity of the IT learning and development program so that each IT associate would receive a yearly minimum of 40 hours of learning; however, the type of learning to be offered was up for debate.

Within the last decade, New Trinity had become a major player nationally as one of the largest nonprofit hospital and assisted care organizations in the United States. As such, it employed well over 30,000 associates across the nation. Although New Trinity had satellite offices and facilities in at least 22 states, most of its main corporate functions, including IT, were centered at its corporate headquarters in Middle Brook—a city of about 250,000 people and in Baytown, a city of nearly 350,000. At least 1,500 IT associates occupied these two main offices, and were the target audience for the mandatory 40 hours of training. Nearly 1,000 other IT personnel were positioned in New Trinity's vast network of facilities.

New Trinity's training functions were largely decentralized, with most individual business units—insurance, claims, pricing, benefits, retirement, and payroll—having their own separate training departments. The one exception was New Trinity's Human Enterprise Learning Organization (HELO), which served the whole organization. Originally HELO existed only as a learning & behavior (L&B) training department, focusing on soft skills like communication and conflict management, but within the last few years, a re-organization left them with governance over all IT learning as well, which meant that Max would need to partner with this department in order to have access to the training facilities, learning management system, and other resources he would need in order to schedule enough training sessions to meet the 40-hour mandate.

It did not take long for Max to realize that there was an ideological conflict between his IT organization and HELO. New Trinity's IT Department had adopted an "agile" approach to software development. The "Agile Mindset" was a methodology described by the Agile Alliance (2001), a group of consultants and software developers who used their "Agile Manifesto" to describe a set of best practices for software development, including an emphasis on individuals over processes and a

preference for responding and adapting to change rather than following a plan. Thus, the entire IT Department was in the midst of developing a looser, more flexible approach to meeting the needs of its internal customers within the insurance company.

In contrast, the Learning Department had in recent years developed a more process-oriented approach toward developing and delivering learning to the organization, thanks largely to the work of Helen Bateman, HELO's associate vice president, who had been working toward developing a portfolio of course offerings that were more consistent and standardized. In Helen's opinion, a learning department that served the whole enterprise needed to develop courses that could be applicable to the needs of the whole enterprise, not just a few departments or a few select regional offices. Thus, during the two years that Helen lead HELO, the organization had moved away from meeting the unique needs of individual business units through customization. Likewise, they had developed a set of nonnegotiable processes and service-level agreements for developing and delivering new courses on behalf of the business units they served. Overall, HELO's main goal was to maximize its limited resources, including its instructional designers, its training facilities, and its learning management system. If a department requested a course that could only benefit a small number of associates, then HELO would refuse its resources and services, thus forcing that department to look for other instructional strategies for training its employees.

These conflicting mindsets became increasingly more apparent as the two departments had to work more closely with each other, and unfortunately, Max found himself more frequently caught as the intermediary between these two divergent worlds. Leaders within the IT Application Development Department began orchestrating a program they coined "Teaching Thursdays." In order to develop this new "culture of learning" within the department, IT leaders wanted to offer a selection of course offerings every other Thursday in both the Middle Brook and Baytown offices. As the "agile mindset" dictated, these course offerings would be loose and flexible, based on associate or leader requests and demands, not based on a predetermined, carefully-planned curriculum. Another catch to this plan involved the fact that at any point, pre-scheduled courses could be cancelled if the developers planning to attend these courses suddenly had conflicting projects or customer demands requiring their immediate attention.

This constantly changing approach appalled HELO's leader. Bateman had an extensive background in organizational performance, and she personally felt that accommodating the IT organization's ever-shifting learning priorities would result in chaos for her department, which was accustomed to scheduling its learning and behavior classes several quarters in advance. She acknowledged that her team's processes for implementing courses were not always perfect. Several of her consultants pointed out that many HELO courses had acquired a high "no show" rate, meaning that in many cases, associates did not always attend the courses for which they were registered. The reasons for this high no-show rate were difficult to determine, but some consultants felt that it could be attributed to the fact that courses were planned and scheduled so far in advance. An associate who registered for a November class several months in advance could not always guarantee that her future workload would allow her to participate in that class once November rolled around. Nevertheless,

Helen felt that the advanced planning of course offerings was still important for her goal of maximizing resources and providing consistent learning experiences for the whole company.

Max was finding it more and more difficult to work with Helen and HELO to meet his vice president's goal. The use of HELO's resources would provide a more high quality training experience for IT associates, but the stipulations placed on him for using those services was so contrary to his department's emerging culture that he didn't know what to do.

Questions and Instructions:

1. What do you think about the IT Department's goal of providing 40 hours of training per associate? Do you think this number will create the "culture of learning" their department wants to foster? Why or why not?

2. Identify and describe the potential benefits of the agile methodology used within this IT organization. Identify and describe the agile method's potential drawbacks as well.

3. Identify and describe the potential benefits of the standardized, process-oriented approach advocated by Helen's learning organization. Identify and describe the potential drawbacks as well.

4. Evaluate the structure of the training organizations at Republic Mutual Insurance. Do you feel that having an Enterprise Learning Organization that is separate from all the other training departments is an effective way to provide soft skill training? Why or why not? Do you feel that IT training should be included in an organization that focuses on soft skill training? Why or why not?

5. The ADDIE model is a learning theory model supported by the American Society for Training and Development. This model promotes these five stages for developing adult learning: 1) Analysis, 2) Design, 3) Develop, 4) Implement, and 5) Evaluate.

6. The Analysis stage requires the trainer to analyze the learning needs and existing performance gaps within the organization. If the Analysis stage reveals a problem with performance, the Design stage then involves identifying performance objectives. In the Develop stage, the trainer creates a learning solution for the performance problem. During the Implement stage, the trainer delivers the solution, and finally, during the Evaluate stage, the trainer measures how well the solution met the original performance objectives. Which of these stages have been utilized in developing the Teaching Thursday classes for New Trinity's IT organization? If any stages are missing, what steps should the organization take to ensure that the Teaching Thursday program provides a meaningful learning experience for their associates? Please explain.

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Meet Me at the Elysium

by
C. Kenneth Meyer and Jeffrey A. Geerts

George Montgomery knew that in revitalizing his own main street, that famous name brands, such as Rolex, Chanel, Prado, Lladro, Louis Vuitton, Bernini, Amani, Abercrombie and Fitch, Versage, Max Mora, Eli Tahari, A.Testoni, Coach, Longchamp, Bally, Donald J. Pliner, Prado, Oscar de la Renta, Dior, Burberry, Movado, Ann Taylor and Brioni, etc., would not be part of the redevelopment plan for Clear Beach. Instead, he wondered if he would be able to develop interest among businesses such as Family Dollar Stores, Subway, Ace Hardware, Big Lots, Ben Franklin, Pizza Hut and Starbucks. He also considered a laundry facility, several insurance and finance/loan centers, many gift shops and art galleries. He thought that a few specialty stores, perhaps an antique store along with a convenience store—"Come and Get" variety, would round-off his idealized-list.

His participation in some of the sessions at the national business conference in Las Vegas had been worthwhile in many ways. It rekindled his interest in urban development and redevelopment. He met old friends from his days as a city manager in Ohio, and he learned about the different ways of budgeting that provided added transparency and accountability.

As he peered out of his 21st story hotel room on "the strip," his attention was drawn to Caesar's Palace and Forum Shops. These ancient Roman images awakened his interests and he thought about how what he was attempting to accomplish had been tried and not found wanting in Caesar's Rome. The Forum, he thought, had all of the characteristics and elements that he was trying to build on his own main street. The Roman Forum captured the sense of place that Montgomery wanted to replicate; the churches (Temple to Romulus, Temple to Caesar, Temple of Venus and Roma), the town monuments (Arch of Titus, Arch of Tiberius, Arch of Augustus), the renewal of the Basilica of St. Mary's (Basilica of Julia, Basilica of Maxentius and Constantine), the landmark houses (House of the Vestal Virgins – *Atrium Vestae),* a main street for parades and traffic. The Forum was adorned in other ways as well; such as, the Column of Phocas, the *Tabularium*, and the Roman Senate (city hall).

In a quaint sort of way, as he reflected on the geography associated with the perfect citing of the forum, his own town had many similarities. Whereas Rome was built on a hill, so was Waterbury. Rome had the mighty Tiber River, and in his own back yard was the noble Mississippi River. Where the Palatine Apartments stood, he had a smaller version of brownstones built in the 1930s and row houses even earlier in the century. Also, as Montgomery thought about Rome, images flashed

thorough his mind on what took place in the infamous Coliseum, and it did not escape him that Waterbury was in the process of constructing its own sports arena. Whereas Rome had the *Rostra* where ceremonies and public speeches to the citizens of Rome were made, Waterbury had its own public spaces for citizens to carry out and share the daily activities of living.

"In a way," he chuckled, "the more things change, the more they remain the same!"

Montgomery wondered though if the Romans dealt with issues similar to some of today's pressing issues such as public transportation, parking, sprawl, preservation of green space, sustainable and universal design, and communities actively competing against each other to lure in new businesses in a way that only the gambling aficionados of places like Las Vegas could appreciate.

His nostalgic reminisces ended sharply when he realized that he was about to miss one of the most important sessions of the conference—a panel presentation on the "Possibility of Main Street." As he walked hurriedly down the moving escalator of the Hilton Convention Center, he wondered if the panel would concentrate on the same old and worn topics: urban renewal, urban dereliction, urban blight, urban decay, gentrification, urban gentrification and urban redevelopment. He understood the importance of those topics, but he was anxious to move on to "newer age" thinking. He wanted to know what cities had done to restore their main streets or downtowns to their previous "showcase" status. He wondered how cities and towns revived their downtowns and breathed life into them. How did the cities develop or redevelop their respective "souls" in the sense that they became the most desirable place to live and interact, work and recreate—places to engage in social activity. Would there be a future for main streets and would they be able to recapture the social, economic, psychological, and political value they once had? Would the presenters focus on the panels dedicated theme of Main Street Possibilities, or would they get sidetracked by the immensity of their complicated topic?

Montgomery was pleased to see that the session was well attended. As the presenters began to speak, he was becoming reacquainted with a number of notions that he knew at one time, but over the years "misplaced in his memory." As Montgomery glanced around the room, he made eye contact with a few of his old "cronies," but noticed many new faces, especially those of minorities and women. He found the diversity of the attendees encouraging and felt that the interest in downtown revitalizations was in the process of being rekindled and for that he was thankful.

The speakers, of course, had their favorite axes to grind, but as practitioners, they were there to convey their experiences with mainstream successes and failures. As the panel proceeded, there was a plethora of statistics dealing with economic indicators, housing data, commercial property rental rates, demographic compositions, "niche" markets, and strategies for financial leveraging. Several managers spoke about networking with "pin strippers,"—the financial and banking "wizards" genteel, and leaders of various civic and business organizations. In the course of their presentations, many other interests and concerns were articulated and their collective experiences seemed to flow easily as if they had become seasoned advocates for their own main streets.

Upon returning home from the conference, Montgomery took the cache of detached notes he had assembled from the many sessions and distilled them into eight statements. He felt these statements, as shown in **Exhibit 1**, represented the major "take-away" points of the proceeding.

Exhibit 1. Building the Main Street of Tomorrow

1. In 2006, nearly 50 percent of the world's population lived in cities and they consumed 75 percent of all energy used. The energy used varied by sector—buildings, 48 percent; industry, 25 percent, and 27 percent for transportation.

2. To inspire the life of the city, it must be based on sustainable principles. Just like there is not waste in nature, there should be no waste in the ecological development of the city. Alternative, renewable energy forms should be considered in the redevelopment of the main street.

3. Storefront vacancies are costly to both the downtown and the community as a whole. Empty storefronts mean a loss of jobs, wages, tax revenues and loss aesthetics and opportunities. In economic terms, a vacant storefront is a surrogate measurement of $250,000 in loss revenue.

4. There was a general loss in commercial real estate space during the 1980 to 1990 period. However, between 1990 and 2000, the commercial real estate loss from 1980-1990 was recaptured, plus the amount of space doubled again. Indeed, in some states, the commercial real estate space has quadrupled since 1980 and the population size has not. In 1960 there was on the average four square feet of rental space per capita; whereas in 2007 there is nearly forty square feet per capita. In contrast, the world wide per capita average is only four square feet of commercial rental space.

5. Main streets belong to the entire community and not only to business interests. In turn, the community has a right and obligation to become engaged. A healthy downtown is symbolic of a healthy community and businesses increasingly make their decisions to relocate or locate on the condition of the downtown district. In brief, responsible corporations desire healthy, vibrant, aesthetically pleasing downtowns that are full of life for the employees.

6. Imagine a world in which we say yes to all of the major questions that demand answers for downtown revitalization. This is essential if the healthy community of tomorrow is to be built and innovation is to be sustained.

7. Historic sites are the number one tourist destinations in the United States. Paradoxically, the main street of Disney World—a perfectly idealized and romanticized downtown, is the largest tourist attraction in Florida. If this fact is indicative of American interests, then a strategy to raise the social, economic, and political value of downtown must be devised.

8. Natural assets, such as green space, rivers and lakes, mountains, historical buildings and monuments, must be used as advantages to renewal—not impediments. Historic buildings, bridges, factories, and warehouses can be redesigned and remodeled for contemporary uses. Renewal of downtown areas works best when there is a central, major focus—a theme of interdependent businesses and land uses, such as personal health and beauty or home improvement, restoration, furnishings, interior design, appliances, hardware and custom cabinetry.

Montgomery was satisfied and energized by what he had learned. He always thought that downtowns were special public spaces. He realized that if people and businesses were to be once again drawn to main street America, they had to be made "cool" again. Historic buildings, people strolling and conversing on the sidewalks, independent businesses, diversified economic niches ranging from a mix of housing, rental properties, recreation, entertainment, and places to dine and worship, etc., are cool attractions that provide the right mix of energy.

In the final analysis Montgomery felt reassured that his predilections had been reinforced by those who had recaptured the spirit of the main street enterprise. He knew he had to find a way to keep the post office, library, banks, insurance companies, department stores, state and local offices and so on, downtown. These were the "people generators" and it was his goal to create reasons for all these interests to become interdependent with the retailers and those who lived and worked downtown. Indeed, was it possible that main street America could once again become "all things to all people? " Yet, as a romantic, he wondered what went through the mind of Caesar as the real Forum was built several thousand years ago in Rome.

Questions and Instructions:

1. How would you suggest that the social, economic, political and architectural value be brought to the downtown area of your city? Please elaborate.

2. Do you believe that "cool places" actually attract "cool people?" Please explain. How do you define "cool places?"

3. How does one deal with developing a downtown district when the building, fire, plumbing, electrical safety and commercial codes make remodeling possible, but difficult and expensive? Should international building codes replace the usually more restrictive local building codes? Please justify your answer.

4. To what extent should innovative building designs be used in restoring the dynamics and glory that once belonged to Main Street America? Elaborate. Please attempt to find examples, including pictures, if possible, where some of these innovations mentioned above have been successful used, and present these images to your colleagues.

5. The following web sites might be helpful in your research: American Institute of Architects - www.aia.org/; American Planning Association - www.planning.org/; Congress for New Urbanism - www.cnu.org/; Governors' Institute on Community Design - www.govinstitute.org/; International Institute for Sustainable Development - www.iisd.org/; National Main Street Program - www.mainstreet.org/; Project for Public Spaces - www.pps.org/; Smart Growth America - www.smartgrowthamerica.org/; and, The Trust for Public Land - www.tpl.org/.

6. What have you learned from the eight "take-away" statements that were presented in the case study? Please explain. If you were to add another statement to George Montgomery's list, what you emphasize and why? Please be specific.

21

Meeting the Press

Readers of the *Capitol Record* were shocked one morning to see under the byline of Gordon Redfield, the newspaper's chief investigative reporter, an article detailing the abuse of mentally retarded children in three institutions operated by the State Department of Public Welfare. The story was announced as the first of a series.

In all the schools, the story alleged that mentally- and physically-handicapped residents had been subjected to repeated assaults by adult attendants who whipped, kicked, gagged and battered them. The article revealed that children unable to take care of themselves were frequently left unattended and left in soiled diapers for hours.

The article quoted a former Meadowland School employee who witnessed one healthcare worker assault an eight-year-old girl with Down's syndrome. Reportedly, after the child refused to drink a glass of water, the attendant first slapped her repeatedly and then threw the water in her face.

In another incident, the former employee said an attendant received medical treatment after injuring himself while striking a child at the school.

"He hit the child with such force that he fractured his hand," she said.

why couple this with mistreatment? what is the context of this?

At Hopeville School, Redfield reported that homosexuality among students was widespread and younger children were permitted to be mistreated by older residents. According to the story, attendants who were worried about getting reported for resident mistreatment would encourage older residents to assault a misbehaving child.

The article quoted a former Hopeville School employee's recollection of how an attendant said, "Hey, Jimmy, go over there and show him you mean business."

The article related that at the third school, Greenbriar Center, two female attendants had submerged a retarded girl's head in a toilet bowl and flushed it while teaching her personal hygiene. Among the incidents taking place at the center were beating and stretching—a torturous act in which children were held down while their arms and legs were pulled up behind them. Children were controlled by twisting their genitals, sticking pins in their breasts, and inflicting burns with cigarettes.

"The month-long investigation of the three schools," Redfield wrote, "paints a picture of a system that condones violence while offering no support to those who attempt to report abusive, sometimes sadistic treatment."

Eager to obtain reactions to the allegations by officials in the Department of Welfare, news reporters crowded the entrance to the departmental offices on the morning that Redfield's article was published.

The director of the department, Jacob Christopher, arrived red-faced in anger and forced his way through the noisy crowd. "They're all lies," he shouted when asked about the Redfield charges, and he refused to answer other questions. "I've got more important things to do than concern myself with such slander."

Later in the morning Karl Munster, Christopher's executive secretary, appeared before the reporters and fielded questions about the accuracy of the allegations and what the Department of Welfare intended to do in the way of verifying them. "The reports are replete with gross distortions and are wholly inaccurate and unjust," Munster said. "Redfield has taken bits and pieces out of context to give a completely false picture."

He announced that beginning tomorrow there would be a series of press conferences at which staff members of the Welfare Department would present evidence to refute the charges in Redfield's story. "The so-called expose," Munster said, "is doing a great injustice to staff and children in the state schools."

Bound by law not to share information most likely.

Because of the refusal of the Welfare Department to supply information, radio and television newscasts during the day, the afternoon newspapers, and dispatches of the wire services repeated the charges originally published in the *Capitol Record*.

Governor Winfield James at his noon press conference said he had "complete confidence" in the welfare director. "Only one side of the story has been given as yet," the governor said. "When the Welfare Department is able to gather information to present to the media, a different picture of conditions in the state schools will emerge."

Helen Osterman, superintendent of Meadowland School, questioned by one wire-service reporter, said that Redfield never tried to discuss conditions in the school with her. "He was here and asked a lot of questions about the school and town," Osterman said, "but he never brought up any allegations about the abuse of children. The allegations are not based on facts. We have one of the best schools for retarded children in the country."

The superintendents at Greenbriar and Hopeville refused to talk to reporters, saying that they had been instructed to refer all inquiries to the Welfare Department.

At the next day's scheduled press conference, reporters reacted angrily when they were told by Christopher's executive secretary, Karl Munster, that the welfare director was unable to attend.

"The decision to have Mr. Christopher forgo a confrontation with the press, Munster said,

"was based on the recommendation of counsel and staff."

Christopher,however, had prepared a statement about the allegations of abuse. His statement was a blistering attack against sensationalism in the press.

"It is impossible, and frankly undesirable, to answer every single slanderous and outrageous claim made be what, it my judgment, is irresponsible journalism," Christopher said. "The allegations so far made constitute a one-sided presentation of circumstances which have been thoroughly investigated by the department and remedies instituted when wrongs were found."

After Munster had read Christopher's statement, he introduced to the reporters Roswell McIntosh, Welfare Department attorney, and said that insofar as possible they would answer all questions from reporters. As the press conference continued, it soon became clear that not much information would be available. The reporters were told that many details had to be held confidential because they concerned medical matters. Munster and McIntosh sparred with reporters over whether welfare officials were going back on promises to release information, and whether they were trying to control the media through the format of an announced series of news conferences on the allegations.

"I'd give anything if we could open the complete files," Munster said. "It would make our case so much stronger. But it would be a violation of medical ethics for us to reveal information that should be held in confidence." He disclosed that he had a list of abuse reports made in the past year that had been checked by child-welfare units working with local district attorneys and not the department. Of a dozen alleged incidents, Munster said, only one was confirmed—that of the toilet-bowl incident—and the two employees involved had been fired.

The press conference ended with a promise by Munster to be prepared to give more information the next day when staff members would have had more time to obtain details. Reporters departed complaining of a coverup by the Welfare Department. Later in the day they were further irked when they learned that the department had employed a public relations specialist, Clyde Manfred, to help in its campaign to counter allegations surrounding the state schools for the retarded.

It was indicated that the Welfare Department was more intent in protecting itself than in discovering the facts about the *Capitol Record*'s charges the next day when Munster opened the press conference by introducing Lester Schlegel, president of the Parent and Guardian Association at the Greenbriar Center. "We are receiving solid support from the associations of parents and guardians for the centers," he said.

Schlegel said he had visited Greenbriar unannounced several times and never saw a state employee abusing a retarded inmate. "As a parent of a child, I am appalled at the news coverage, Schlegel said. "If there was abuse going on, I would be the first person to come down on their necks." He disclosed that he was sending letters to all parents of children at Greenbriar asking them "to share

my feelings of protest. I want them to write their legislators, the newspapers, the governor—whoever it takes," he declared.

The second press conference was about as frustrating for reporters as that of the first day. Some instances of abuse cited in the *Capitol Record*'s reports, it seemed, could not be clarified because of the confidentiality of medical reports. Other abuse incidents were explained away by improbable excuses, and the stories of former employees of conditions could not be trusted. Reporters roared with laughter when Munster explained that the story of an employee who had injured a hand by striking a retarded student too hard was false. The employee apparently was so frustrated when he himself was hit by a student he was trying to control that he struck a wall and bruised his hand. However, because of the allegations made in the newspaper, the department would look further into the matter.

Munster renewed his criticism of former employees from whom reporters obtained information about abuse at the schools. Of the employee who said she saw a young girl stuck in the breasts with pins, Munster said she had been urged to provide more detailed information, including names and dates, but she had failed to do so.

"If she had knowledge of a crime, she ought to be calling the police or the district attorney and not the press," Munster said. "Child abuse is a criminal offense and anyone with knowledge of such an offense should report it to the district attorney or other appropriate authorities."

Later in the day it was revealed that support of the Welfare Department was not quite so strong among parent-guardian groups as Munster had indicated at his morning press conference. Mrs. Rosa Gonzalez, president of the group at Hopeville, said she had been asked to attend the conference but had declined.

"My child is receiving good treatment at the school," Gonzalez said, "but I am concerned about the charges. I think the news accounts might spur more interest in the welfare of the retarded, and if it does that will be a good thing. I'm not sure that putting the retarded away in schools far from their families is a good thing. There should be a better way."

Criticisms of the care of the retarded in large institutions were also expressed by Mildred Carnahan, chairwoman of the Council for the Mentally Retarded. "There are always going to be problems in institutional settings," she said. "That's one of the reasons why we are trying to get money to fund some sheltered workshops in the state for these people. We are trying to get $2 million from the legislature for 35 such workshops."

Apparently bowing to the widespread publicity about conditions in the schools for the retarded and media charges of a coverup, Governor James announced four days after the *Capitol Record* series began that he had asked the State Bureau of Investigation to conduct a probe of the

charges. The governor said that he had asked the newspaper for a complete set of its series as well as any data documenting the allegations, but this request had been denied.

Governor James said he would not ask the welfare director or any department officials to leave their positions while the investigation was under way. He believed it would interfere with the operations of the department.

"I don't think it's fair," the governor added, "to say you need new leadership until the investigation is complete."

Once the investigation was completed, James said, the bureau's report would be turned over to the appropriate attorneys to determine if laws were violated and criminal charges were warranted. By law, he explained, the bureau's report could be divulged only to prosecutors and not the public, any wrongdoing to be revealed only if charges were filed.

The allegations of abuse of the retarded were also discussed in the legislature, but a resolution in the house to conduct an investigation was voted down on the ground that the Bureau of Investigation was the proper body to probe into possibly criminal matters.

Questions and Instructions

1. In general, how would you describe the Department of Welfare's relations with the press?

2. Do you think the department was attempting to conceal from the public conditions in the school or was it merely reacting naturally to adverse publicity?

3. Did the welfare director's legal counsel and staff make the right decision when they advised him not to confront reporters at the press conference?

4. Do you think the Welfare Department representatives were sincere in calling a series of press conferences to provide information or, as reporters charged, was it an attempt to manipulate the press?

5. Was it a wise move for the department to employ a public relations specialist to advise it in dealing with the press in respect to the allegations of child abuse?

6. If you were a public relations employee of the Welfare Department, how would you have handled the situation created by the newspaper's expose?

7. Do you think it is desirable for a government agency to employ a public relations specialist? If so, how would you specify his or her duties?

8. When administrators are confronted by scandals or wrongdoing in their agencies, would it be wiser for them to be frank and open with the press, or to seek to conceal the facts? Discuss.

9. From the information in this case history, how would you rate the Welfare Department's goals and practices?

22

No Welcome Wagon Here

Case A. Subsidized Housing Wrangles

Park Forest, 15 miles from the state Capitol, was more than just a bedroom community for its metropolitan neighbor. It was the site of Central University, which had attracted a growing technological industry, and the home of more than 60,000 people. Above average in affluence and education, Park Forest's residents usually: passed bond issues for schools and civic improvements; supported increases in water, sewage, and trash-collection fees to maintain high standards of service; and fostered almost a hundred support groups ranging from aging services to a youth and family center.

Therefore, Ronald Fleming, newly appointed executive director of the Park Forest Housing Authority Board of Commissioners, was surprised by the residents' lack of concern for fellow citizens, demonstrated by their bitter opposition to a public housing project. He discovered it had roots in the past. Five years earlier a 52-unit complex had been constructed on the east side, and three years later many east-side residents objected to a second project of 44 units that was to be located in their area.

About 20 of the east side residents appeared before the planning commission and city council to protest the rezoning of the proposed site from a single-family dwelling to a low-density apartment area. "Let the wealthier residents on the west side assume their share of housing the poor," said the east side residents.

They lost the battle, but city officials were careful the next time to locate an apartment complex for the elderly on the near west side.

Because east-side residents were angered by what they considered the city council's neglect of their area, the Housing Authority thought it prudent to locate a new $2,024,980 low-income project on the west side. Suitable sites, however, were not easily found. The first choice, a five-acre tract near a shopping mall, was rejected because its construction would worsen an already congested traffic situation. The Housing Authority was forced to fall back on its second option, five acres in the far northwest section of town. This area was not entirely desirable because it was so far from downtown and was zoned as a rural agricultural district.

This choice was to provoke a controversy that made the earlier controversies look pacific. The site was a half mile from Riverside Estates, an exclusive residential area whose homeowners were outraged at the proposal. The Riverside Homeowner's Association called a protest meeting at

which it was decided to fight the project by circulating a petition calling for an election on the question of declaring a moratorium on public housing. Ronald Fleming was shocked to learn that petition circulators were telling prospective signers the project would bring undesirable people to the area because not enough Park Forest people could be obtained for 100 percent occupancy. It was reported that the units would be filled by dislocated and unemployed minorities from the metropolitan area. Fleming asked the Park Forest Human Rights Commission to conduct an investigation of the discriminatory and inflammatory claims being made by the petition circulators.

The commission expressed its support of the housing project but said it could not investigate, "The only time we can take action is when there are people involved who cannot get housing because of discrimination. I don't know if any laws have been broken by the petition circulators. I think their remarks are wrong, if they made them, but they have the right of freedom of speech."

The city council meeting that dealt with the rezoning request was one of the longest and noisiest in recent years, packed with east- and west-siders, attorneys and leaders of the associations and agencies concerned, and unaffiliated members of the public.

In a response to questions posed by Mayor Thornton Vesco, A.B. Wainwright, city attorney, recommended delaying a vote on a motion to rezone. Pointing out that the petitions containing 4,800 signatures were sufficient to bring the moratorium issue to a vote, Wainwright further said that action should be delayed until the public had a chance to speak.

Wainwright's stand was endorsed by council member, Anna Gilchrist, of Ward 1 on the west side. "I consider the petition a mandate that an election should be held. The citizens of Park Forest should decide whether we should continue to construct public housing projects," she said. Two council members supported Gilchrist's stand, but three others proposed that the views of proponents and opponents be heard before taking action.

Legal arguments for postponement were presented by Carlton Mason, representing several west-side neighborhood associations. Mason believed that even though a vote favoring a moratorium might not be binding on the Department of Housing and Urban Development, the city council should consider it a commitment to reject rezoning.

Legal Aid attorney, Nathan Gold, representing low-income clients, declared that the election would be protested because of the racism expressed by petition circulators.

"What we have here is an attempt to circumvent the housing authority," Gold declared. "My clients will be damaged. We will not sit idly by and see the housing money lost. My clients have little power, but their needs are real. Believe me, their rights should be protected."

Elizabeth Markham, president of the League of Women Voters, received both boos and cheers when she ended a plea in favor of the rezoning motion with the words, "It does seem that the

spirit of our community should be one that says, if you are poor, we do not want you in Park Forest."

It was Markham's view that eventually prevailed, to the relief of Ronald Fleming. The council postponed action on rezoning until an election could be held, and the vote was overwhelmingly against the moratorium. The community's decision tended to restore Fleming's faith that the people, if given the opportunity, would choose to do the right thing.

Case B. A Halfway House for Mental Patients

Occupants of the large, old-fashioned houses in a residential district north of Madisonville State University hardly noticed when a sign bearing the name, "Friendship House" appeared on a three-story building on a street bordering the campus and their neighborhood. The building had been constructed originally as a dormitory for Roman Catholic women students and in recent years had been a rooming house under successive managements.

Before long, residents became aware that strangers were entering their neighborhood of big houses, large green lawns, and huge trees. These people, they learned, came from Friendship House, and instead of being the usual university students, they were former mental health patients.

When residents complained to Catherine Levinson, director of Friendship House, she wondered whether mental patients seeking to be self-sufficient and preparing themselves to return to mainstream society, could be any more bothersome than college students. It was the designation "mental," she thought, that frightened the neighborhood people.

To a delegation calling at Friendship House, Levinson promised to work with the concerned residents in solving problems and conducted a tour to explain the nature of the rehabilitation program. She said that the home had nine qualified staff members, seven full time, and at least two employees were on the premises at any time. Although there were only 35 occupants at present, the building's facilities could accommodate as many as 70 people. Levinson explained that Friendship House was a private organization operating under contract with the State Mental Health Department and received about $55,000 a year for such services as education and therapy programs. Patients or their families paid fees that raised most of the money to meet the home's budget.

Levinson learned of further community objection to the home through an article in the Madisonville *Monitor*. The article noted that residents were circulating a petition in favor of closing the program for presentation to state officials.

Marie Clinefeldt, the 70-year-old leader of the drive, was quoted as saying, "They call themselves a halfway house, but it's more of a holding tank. The building just does not lend itself to the purposes for which it is being used."

Clinefeldt charged that occupants of the home: wandered about the streets at all hours of the day and night banging on doors or ringing doorbells; gathered in the shade of trees to loaf and talk for hours; left their soft-drink cans on residents' lawns and annoyed children by engaging them in conversation. "One outdoor party, " Clinefeldt said, "was interrupted by two Friendship House residents shouting obscenities". "Nobody has been hurt yet," she warned, "but people are frightened. This used to be such a nice neighborhood."

Clinefeldt presented the petition, signed by 25 people, to the Mental Health Department director, Dr. Abraham Rubin. He explained to her that, though his department monitored Friendship House and 40 other room-and-board homes for former mental patients, the homes were licensed by the Public Health Department. He assured her that the petition would receive serious consideration by the proper authorities.

Questions and Instructions

1. What do you think of the people in Park Forest who opposed low-income housing in their part of town? Why do you think they became so agitated over the issue of location?

2. Do you see any differences in the people who objected to low-income housing and those who objected to the home for former mental patients? What if the halfway house was for persons just released from prison?

3. What steps would you take to prepare the public for acceptance of a facility that is likely to receive public opposition?

4. What guidelines would you establish for going ahead with a project that is strongly opposed by the community?

5. Do you share Ronald Fleming's faith in the ability of the people to make the right decision?

6. What action should Dr. Rubin of the Mental Health Department take in the case of the petition against Friendship House? Does the complaint warrant an on-the-spot investigation?

23

Problems with Volunteer Workers

by
C. Kenneth Meyer

Under the New Federalism concept initiated by Ronald Reagan, and furthered by subsequent Republican administrations whereby the national government was to reduce or discontinue funds for services considered the responsibility of state governments, the state Department of Public Welfare was forced to cut drastically the agency budget for administering educational programs for children with disabilities. This created a crisis for Reginald MacArthur, director of one of the agency's facilities located in a small university town.

MacArthur considered a high staff-client ratio necessary for the proper implementation of his facility's programs. Although no staff positions actually were eliminated, no additional people could be hired and no vacancies created by resignation or retirement could be filled. The crisis was heightened when 16 children with disabilities were transferred to the facility's case load from another state agency. MacArthur applied to the director of the Department of Public Welfare for emergency assistance but did not expect any help for several months if at all.

Because of the facility's location in a university town and the nature of its services, it received many well-meaning offers of volunteer help. These offers often came from students with considerable training in special and adaptive education. In the past, MacArthur tended to make only limited use of these volunteers, assigning them to duties as aides and custodians with few chances for carrying out actual instruction and training. Recently, volunteers had received special development training from the department as ombudsmen on behalf of the clients.

In view of the existing financial crisis, MacArthur decided that he would have to place greater reliance on volunteers if he was to provide adequately for the additional children. He reviewed a large number of volunteer applications and selected two people whose backgrounds seemed the most appropriate.

One was Sharon Bowers, a graduate student in special education who expected to receive her degree within the next six months and said she hoped to work with children with disabilities. She was bright and enthusiastic and established immediate rapport with both the children and the professional staff members on her introductory meeting with them. She appeared to be reliable and responsible and was recommended in glowing terms by former employers. Under the circumstances, MacArthur would be inclined to offer Bowers a full-time paid position, but at the moment she was available for

only about two hours every afternoon.

The other person chosen was Alice Pearson, a socially prominent local woman with a degree in elementary education. Although she had not taught for several years and her experience had been entirely with normal children, she had excellent local recommendations and several useful political connections. She was able to devote between 15 and 20 hours a week to the program. After being introduced to the group with which she would be working, however, she seemed overwhelmed with the magnitude of the children's handicaps.

While fitting Bowers and Pearson into the program, MacArthur received a request from Professor Paul Corkin, a faculty member of the university's Department of Education, to include the children in a study that would attempt to measure their educational development and achievement over a 12-month period. Since the study was designed to evaluate the teaching methods used by agency professionals, MacArthur felt that participation was almost a necessity. Negative results might reveal areas where program content should be improved while positive results would probably benefit the program. The study required that some of the children and their assigned staff workers spend several afternoons each week in a controlled experimental environment where they would be periodically tested.

MacArthur juggled his staff schedules to take best advantage of the volunteer help within the time limits imposed. This required having Bowers and Pearson work together with a group of five children during the period of the experiment. Pearson was also available to supervise during the lunch hour when the agency was particularly short-handed. Since the experiment was scheduled to start immediately, MacArthur was able to provide only a brief orientation session before the volunteers began their duties.

Several weeks passed before Professor Corkin had has first conference with MacArthur. He reported that during the experiment he had noted a great deal of antagonism between the two volunteers, Bowers and Pearson. They were barely civil to each other and competed for the children's attention. The children seemed to sense the conflict, and as a result were nervous, easily upset and generally uncooperative. The atmosphere was adversely influencing the outcome of the experiment. The professor revealed that Bowers had announced to him her intention of quitting. He was ready to abandon the study unless some change was made.

Further investigation by MacArthur revealed that Bowers was doing an outstanding job. She had developed warm relationships with all the children with whom she worked. Pearson had largely overcome the initial feelings aroused by the contact with the severely disabled, and was almost always able to be on hand when the agency was in critical need of additional help. She had also proved to be a valuable link with the local community and was engaged in fund-raising activities that would benefit the agency. Although she did not relate to the children as well as Bowers, she could be depended on to keep order.

MacArthur knew that his paid professional staff members were spread as thinly as possible. Altering schedules now would be nearly impossible. He also realized that community volunteers provided valuable services and financial support to the agency that he would hate to lose. He could not afford to offend members of this group yet knew he must do something to resolve this problem.

Questions and Instructions:

1. In such a sensitive program dealing with children with disabilities, do you think MacArthur is justified in attempting to make greater use of volunteer workers, who, despite their best intentions, might harm their young charges?

2. In view of the described situation, what do you think MacArthur can do to save the experimental program?

3. If it came to making a choice between Bowers and Pearson, which do you think MacArthur should keep in the program? Why?

4. What should be MacArthur's overriding concern in resolving the problem?

5. Discuss various choices open to MacArthur as they affect the facility's long-term and short-term well-being.

6. What functions would an ombudsman for children with disabilities perform?

7. Should different supervisory approaches be used for volunteer employees in contrast with paid employees? Explain.

8. How can MacArthur make better use of Pearson's and Bowers's skills and talents?

24

Regional or Racial Bias in Diversity Training

by
C. Kenneth Meyer, Megan O. Broin and Lance J. Noe

James Kaplan was known for his strong views on racism and ethnic discrimination when he was brought on board as a trainer in the state's Department of Personnel. Although he had tasted discrimination as a young Jewish male growing up in a small southern city in the United States, he felt he could control the anxiety, anger, and rage which sometimes bubbled to the surface when he discussed race relationships in America with his colleagues. Kaplan knew what was associated with unkind behavior and ignorance, and he had the uncanny ability to feel, within his own fiber, the indignities of racial, religious, and ethnic slurs directed toward others. Although he had matured with age, his skin could be easily pierced with remarks that were tinged, no matter how slightly, with insensitivities to the personhood of others.

Kaplan would often say, "Discriminate against others today, and someday, I don't know when or how, it will also affect you. You can't get out of this world alive without sometime being the target of discriminatory remarks. Perhaps it will be when you get older, or disabled, or if your appearance gets radically changed from an accident or injury."

Kaplan was in the agency for only a short time when it became quite clear to his associates that he had very strong views on the Southern region of the United States. He minced no words about the racial, religious and ethnic legacy there. Over the years, he had accumulated comparative information on the U.S. Census Bureau regions, and he was quick to point out how the Southern region scored on the American College Test (ACT) standardized examination, literacy, productivity levels, and on accessibility to health care. He also knew how the South ranked among the other states utilizing basic statistics such as infant mortality rates (IMR), maternal mortality rates (MMR), violent crimes—especially rape and homicide—and murder and assault of police officers. Kaplan enjoyed comparing the former eleven Southern states with their Western, Northeastern, and Midwestern census counterparts on more exotic metrics, such as the index of civility, civic enhancement, and engagement.

Kaplan was known for his strongly-held personal views on "right-to-work" legislation, employee-collective bargaining, and unionization rights and protections. He wanted to enhance "quality of life" throughout America and the world.

In all of the forenamed areas, he had marshaled an elaborate set of statistics and

measurements, and his ability to reference and cite studies that ranked the 50 states was a constant favorite of his. Overall, he had a repertoire of statistics that painted a less than bright and progressive looking picture of the South. His bias was clear! He liked the North and he felt that America had increasingly become "Southernized."

Marlene Brown knew of his strongly held views on race, ethnicity, and religion when she hired him. "You have to respect Kaplan," she would often say to others. "Who among us has been the target of religious bias and has delved into, researched, and explored the basis for this lack of civility and tolerance among us?"

Brown knew Kaplan had suffered adversity. He also determined that Kaplan was a "zero-tolerance" sort of guy when it came to discrimination and that he was particularly sensitive to the issue of race relations in America. Although only a small circle of his closest friends knew of his personally-held cherished beliefs and values, it would now become clear to the trainees, how deeply engrained his childhood experiences with race and religion had become. Few would ever know the stories of how his parents and grandparents suffered human indignities and degradation at the hands of those who were in positions of power in the city of his youth. He remembered, and he would never let the story remain untold.

"The story must be told and retold," Kaplan would exhort, "or it will be doomed to oblivion."

Of course, he was familiar with the Holocaust and he could speak passionately about what took place during the Third Reich and how Jewish people were terrorized and killed at the hands of Nazis. He understood the economic and political philosophy of Adolph Hitler, as well as most, and he was prone to caution his colleagues on the dangers of taking freedom and liberty for granted.

"Vigilance," he would argue, "must be demanded if we wish to protect what centuries of dedicated liberal thought has wrought."

The time had come for the staff diversity training and Kaplan was scheduled to present the assigned module on racial and ethnic discrimination. He had prepared for this day and he wanted everyone to experience the "insidiousness of discrimination however it reared its ugly head." The class was made up of 18 mid-level managers drawn from across the agencies, bureaus and departments of the state. They were generally representative of the gender, racial and ethnic diversity that characterized state employment.

Kaplan's darker than average face lit up and he graciously smiled at the group as he was introduced by Brown. Since this was his very first training course, she took special care in her remarks to present his academic and professional background, experiences, and qualifications without unduly embellishing them or raising the group's expectations to levels that Kaplan would find difficult to reach. The introduction went well, Kaplan thought, although he felt nervous and his heart had begun to beat faster and stronger. Now, he had to demonstrate that he had the intellectual ability

to present the material that he had labored over and the personal "steel" to withstand any controversy that his prepared remarks might engender.

He thanked Brown for her remarks and told those in the training group how pleased he was to be teaching the unit on racial diversity. He attempted to establish eye contact with each member of the group as he made his introductory remarks and clicked on his multimedia presentation. He thought it was comforting to know that the system was working and he could rely somewhat on the notes embedded in the slideshow.

He assertively began his presentation in a loud and authoritative voice, "In the movie, *Roots,* Alex Haley's book is brought to life and racism is portrayed realistically and graphically. It shows people being ripped from their African homelands, tribal and family connections, suffering the excruciating pain and indignities of the Middle Passage, and after that, being auctioned off in public and sold into slavery to the highest bidder, not only debasing the enslaved persons, but also the human owners," he stated.

Kaplan had garnered the attention of the audience, and he knew he had the personal zeal to develop his thesis. He stated, "Plantation manuals of the day instructed slave owners on how to demean and diminish the value of being black. If a slave was light-skinned, the owner would talk about the inferiority of the color and vice versa if the slave was dark-skinned. Also, if the enslaved persons had straight hair, they would be told about the superiority of curly hair. There were no assets associated with one's own personal qualities and once more, the value of what was good or bad came from those in dominant societal positions—the owners."

Scanning the audience, Kaplan noted that he still had their rapt attention and observed some trainees writing his statements into their training manuals.

Kaplan continued, "Racism is based largely on the notion of separation that is rooted in patriarchy—the rule of society's organizations by men. Separation in all of its manifestations is rooted in the dominance and control of others by men and is further shown by the cleavage we experience today between men and women, between the haves and those who will never have, and the chasm between those who live in the Northern hemisphere and those who survive in the Southern hemisphere. Separation is essential to patriarchy! Racism assumes that some people are superior to others, albeit that people across the world are 99.999 percent genetically similar. Racism is an attitude and behavior that attempts to exclude, rule over, control, and show dominance and superiority by one race over another, and in some instances, even own another person."

Kaplan noticed a few raised eyebrows and some of the group looked at one another and winked.

"Of course," Kaplan remarked, "racism is certainly based on the attitude that one's genetic composition—which reveals itself most powerfully in the color or tone of one's skin and is therefore,

visible—makes one superior to those who are different. With racism comes differential inequality—that is, those who possess the idealized, cherished physical traits or color are given access to privilege, status, deference, and, in the final analysis, ownership. With ownership comes control and those who own or receive the vast resources of wealth, income, stock ownership, and rental payments also control and have power over those who are dispossessed. Further, racial identity makes a statement about one's self-worth and how we come to value our own persons. In the most insidious forms, it shows itself in the Southern regions of the United States, especially in the eleven states that made up the rebellious South, in the culture of honor. One's own worth is based on how one feels one is perceived by others. So, African-Americans received their worth by displaying obedience and compliance with the male, aristocratic, white, and powerful expectations in Southern society. By displaying submissive behavior, they communicated their inferiority, and became subordinate or beneath their dominant white counterparts. A display of their inferior position would be met with recognition and a sense of respect by their owners. As a result of this "master-slave" relationship, the enslaved persons did not develop their own recognitions of human dignity, self-worth, and self-respect. In short, they failed to mature. Accordingly, they remained dependent, passive and immature in their emotional and psychological development."

Kaplan continued to look at the group and hoped that they were following his historical analysis of what constituted a basis for racism in the United States. He intensely observed the body language of the group, but now he began to worry that he was losing the interest of the group due to the complexity and sophistication of his argument.

He continued, "In the Northern region of the country, the notion of submission to a culture of honor was gradually observed as African-Americans migrated to the industrial, urban North. Today, one can probably show that this type of culture is associated with the rise of violent crime—a type of crime that was always high in the South; however, during the last 60 years, this violent crime has reared its ugly head in the Northern and Eastern regions of our country. In short, to confront one's honor meant everything, and people were prepared to kill for honor. In a peculiar sense, the United States increasingly became Southernized rather than the South becoming more like the rest of the nation!"

The presentation was finally drawing to a conclusion and he strayed from his prepared remarks to make a dramatic final closing. He wanted his closing observations on racism to reverberate in the minds of the group—to resonate loudly and be retained.

Kaplan's final remarks were stated with zeal and enthusiasm, "Racism shows itself most poignantly among those who are viewed as unequal on the basis of skin color. For example, *Ebony*, *Vibe*, and *Jet*, among other black mass-oriented and consumer-oriented magazines reveal that 'lighter' blacks are perceived to be more attractive—that is more desirable, more likely to be emulated than those men or women with very dark skin. This level of racism shows that even African-Americans frequently reject their own racial characteristics based on the idealized and valued perceptions of skin

color by the dominant, white, male and propertied class in the United States. Indeed, ownership, but in a very different way than during the era of Southern slavery, still equates to control."

Questions and Instructions:

1. Please provide a comprehensive introduction to Affirmative Action (AA), beginning with President John F. Kennedy's Executive Order 10925 to the present. The give and take of the political times would be helpful to understand the root beginnings of AA and its present status in the United States.

2. It would be extremely helpful to the class if the relevant statistics surrounding the efficacy of Affirmative Action in the United States would be presented. The demographics should be compiled and presented in a pre-affirmative action/post-affirmative action dichotomy, accompanied by the actual demographic profile of the population by major social status categories (age, ethnicity, race, gender, occupational type, and income). For the federal level of government, please present the statistics that show the distribution of the percent women (African American, Hispanic, Asian, etc.), relative to standard occupational categories of Professional (P), Administrative (A), Technical (T), Clerical (C), and Other (O) or PATCO. Similarly, present the relevant statistics for your own state. In what ways or demographic categories do the state and federal government differ? In which areas are they nearly the same? Elaborate.

3. The statistics on who is entering American colleges and universities and who is graduating, the graduation rate, should be examined. Please contact your admissions counselor at your university/college or search the Web for the most recent admission and graduation statistics. Then, for comparative purposes, find the average family income by education level (based on education of head of household) for men and women based on level of educational attainment and race. For example, in the state of Iowa, 2000, the median household income was $39,469, whereas the median family income in 2000 was $48,005. Why is there a difference between these two measurements? For those with less than 9th grade education, the average family income was $29,547; 9th to 12th grade, no diploma, the average family income was $33,356. In contrast, those who graduated from high school had an average family income of $48,434 and those with bachelor, master, and doctorate degrees had an average family income of $85,423, $101,670, and $123,796, respectively.

4. There are a number of functional theories of inequality. Some have argued that inequality is beneficial to society and that is why it continues. Others have focused on Kuznets' inverted "U" hypothesis on race relations in society or Lieberson's theory of intrinsic differences as it pertains to new immigrants and the theory of economic development. Please explain these theories and determine their relevance to the case study.

5. Do we really know what the effect of AA has been on our society? One thesis with some currency today postulates that social scientists tend to be liberal on the ideological side and AA is a "sacred cow" that they protect even if they have to "lie" about its benefits. Please review President William Clinton's "Mend it, but don't end it" speech on AA after the Adarand Constructors, Inc. vs. Pena, Secretary of Transportation (1995) decision of the U.S. Supreme Court, and indicate the rationale for his argument. In the most recent Supreme Court decision on Affirmative Action (Gratz and Hamacher vs. Bollinger, 2003), the University of Michigan's admission criteria were upheld for their law school but ruled unconstitutional for admission to their undergraduate degree programs. What was the logic behind this decision and can you say that "Race does matter" today? Please explain.

6. What are the alternatives to affirmative action? Some scholars have suggested that the goal should be to raise group consciousness and self-esteem of racial, ethnic or gender groups (women) rather than focusing on only anti-discrimination laws, regulations, and policies. What is the gap, for instance, between average years of education for men and women and for whites and African-Americans? Some economists have argued that labor shortages for higher, more specialized, technical positions are created by those in control of major professional organizations, educational institutions, and the like, who want to maintain the status quo by maintaining inequality. Or, if people resist AA because they dislike it and believe it to be illegal, then all one needs to do is provide more AA education and the dislike will go away as education is the key to better race relations in the final analysis. Please assess the veracity of these twin arguments.

7. Race is an elusive concept! It may be argued that race no longer has any meaning in our society from the demographic, molecular genetics, and evolutionary biology perspectives, and this is especially the case when advanced mathematical and molecular tools are used to study the migration and evolution of genes, and that it only has meaning in terms of cultural definitions and awareness. In fact one study notes that genetic differences are greater among Africans than among Africans and Eurasians. If it is true that we have greater genetic similarities than differences, what happens to the concepts of racism, separation, prejudice, and discrimination? Please explain.

8. The Bureau of the Census, U.S. Department of Commerce, is required by the Constitution of the United States to conduct a complete enumeration of the population every decennial (ten year) period. If you were an enumerator, how would you be sure that the respondents you were interviewing were Caucasian, African-American, American Indian or Asian? Please report the definitions and their subtleties to the class as to what constitutes race and ethnic difference in the United States today. If your mother is black and your father is white, how would race be recorded by the census enumerator? If your mother is black and your father happens to be Chinese, would you be recorded as "Black or Chinese?" Are these racial distinctions meaningful in your opinion—especially since so many persons are of mid-racial parentage, or is racial identity only a historical legacy that is being carried forward? Please justify your response. Today, in our society, is color of skin more important than race? Explain. What are the advantages or limitations, if any, associated with color of skin? Please give examples.

9. Based on your research, are there any areas in which you would advise Kaplan to be more thoughtful and accurate in his training remarks? Please explain.

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The Day the Sun Quit Shining*

by
Rudy Toth and C. Kenneth Meyer

It was a rainy, March afternoon, and to be "out and about" for the residents of the state capital would have been unusual. As most scenarios begin with a descriptive line, it was hoped that what was cloudy and foggy on the outside might be matched with brightness and illumination inside. Inside a secure and comfortable conference room in one of the nondescript state government buildings—a sturdy stone structure built by the hands of unemployed men during the New Deal of Franklin Delano Roosevelt that populated the city at that time, Gov. Richard Sanchez sat at the very front of a long, highly polished, "true mahogany" conference table—one purchased when there was little or no attention given to the ecological affects of logging in the rainforests of Central America. Seated close to him were his principal aides and Sam Janik, the state director of Homeland Security.

Today was an unusual day for those who had their fingers on the pulse of the state, for they were deeply engrossed in a protracted review and assessment of the state's homeland security and natural disaster recovery plans, procedures, and budget. The meeting, among other things, provided ample opportunity for these key leaders, and especially Sanchez, to be briefed on a wide range of security concerns by subject matter experts. The resource persons had been brought together by Sam Janik, himself a holdover from the previous administration.

Sanchez had taken office two months earlier and had been on a crash course learning all about his new job with all its intricate workings together with the personalities of his staff, cabinet and key leadership of the state legislature. His previous experience had included three terms in Congress as well as a job in the state attorney's office after graduation from law school.

Sanchez told his aide, "The morning session was very informative."

A major in the U.S. Army, stationed at the Department of Defense, had delivered a well-prepared and extensive presentation on improvised chemical weapons, and now it was time for a short break. As he sat back down, Sanchez looked at the final agenda item entitled "Extraterrestrial Threats—Viktoria Davis, Ph.D., City College."

"Sam, what is this?" questioned Sanchez. "Are we going to finish the afternoon listening to threats from UFO's and little green men?"

"No, Sir," said Janik. While I admit that this sounds like a rather unconventional topic in comparison to improvised chemical weapons, car bombs, floods and tornados, it is something that we need to consider."

"Okay, let's get it over with," Sanchez quietly intoned. The next speaker was introduced and her academic background was impressive. As Sanchez listened to Janik outline the considerable accomplishments of Dr. Viktoria Davis, he could not prevent his mind from wandering a bit. He loved the State Room and the lemon fragrance that clung to the table provided a refreshingly spring time ambiance.

Davis, an associate professor of physics in her mid-30s, went to the podium at the front of the room and began her presentation. In addition to having taught many physics classes, she was one of only two faculty members who also taught astronomy classes for science and non-science majors alike at the private college. An avid astronomer since childhood, she was presently serving the last of a two-year term as president of the State's Amateur Astronomy Association (SAAA).

Davis assertively began her address, "Good afternoon, Gov. Sanchez, Director Janik and other members of the State's Homeland Defense and Disaster Recovery Team. I'd like to thank you for letting me come and address you today. "Approximately 65 million years ago, a comet or asteroid perhaps 10 kilometers (6 miles) wide impacted Earth in the Yucatan Peninsula region. The force equivalent to 5 billion Hiroshima-type atomic bombs ignited an atmospheric fire storm, sending a tremendous amount of dust and debris into the atmosphere—blocking out the sunlight and plunging the planet literally into a Dark Age."

She pointed the laser she held in her right hand toward the screen and directed everyone's attention toward the picture. Then she stated, "This figure is illustrative of that impact. As you can see, a plume of dust and debris erupts from the Peninsula and the land violently undulates from the epicenter."

There was a considerable stirring of the participants as they began to "squirm" in their seats and they looked skeptically at each other as if to say, "What relevance, if any, does this have to homeland security."

Then Davis stated, "Some 70 percent of all life was killed off either outright or through starvation as the plant-life died off. The survivors were mostly mammals—our ancestors in the evolutionary scale—who proved more adaptable while the dinosaurs' reign ended within months. Fast forward to this century: scientists the world over have determined that the Earth has been impacted in this manner several times through its history."

"As you most surely know," she continued, "There are literally thousands of asteroids that populate the solar system as a remnant of its early formation. Fortunately the majority of these objects have orbits around the sun that do not intersect the earth's own orbit."

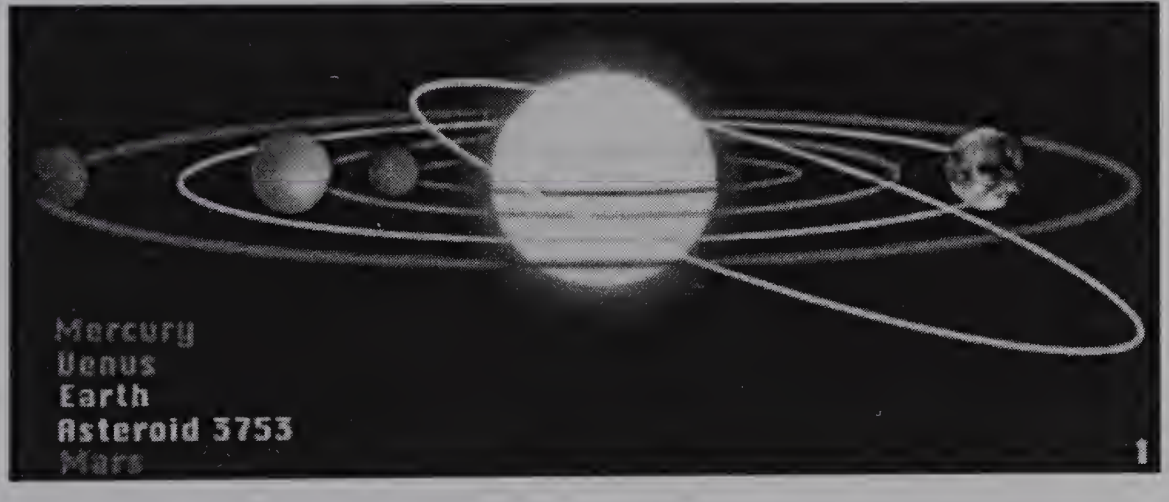
"On January 14 of this year, a one kilometer diameter asteroid was detected in an orbit intersecting our own orbit about the sun. As more information was obtained, we gradually realized that there was a 25 percent chance that it would impact Earth at a speed of 93,000 km/hr (approximately 58,000 miles/hour). It missed us by only 450,000 km or approximately 280,000 miles. While this may not seem like much of a "near miss," the moon is 384,000 km from Earth or 239,000 miles. The difference, of course, is that the moon is in a nearly circular orbit around us, while the asteroid was on a direct path through the Earth's orbit."

Then she projected **Figure 1** onto the screen and said, "This shows you what I am talking about."

Davis, an experienced teacher and lecturer in her own right, knew these large numbers would be hard to comprehend—especially to those uninitiated in the field of astronomy—and she did not want her audience to miss the major thrust of her presentation. Yet she had a message to deliver and it required that she discussed things in "light years," and that she would have to use the mathematics connected to billions and trillions in her analysis.

She continued, "Had this asteroid impacted earth—particularly on land—its impact would have been sufficient to easily destroy an entire city leaving a 15-mile diameter crater. Like many asteroids and comets, this one was discovered by a backyard amateur astronomer.

Figure 1. Celestial Bodies Orbiting the Earth



Sanchez was startled and quickly asked, "Excuse me, but did you say that this thing was discovered by somebody in their backyard with a telescope? I thought that we relied on NASA or the Air Force's Space Command for something like this?"

"Yes, sir, it was a backyard observer,: said Davis. "Most people do not realize that astronomy is one of the few remaining sciences still accessible to the average person. Astronomy relies on these

folks to help discover and catalog literally hundreds of space objects annually. As to your other question, NASA has a limited budget for scanning space. The Space Command tracks manmade objects and debris in orbit around the Earth—as well as monitoring any potential hostile launches against the U.S. We are very much inward looking and not geared toward detecting these types of deadly objects."

"Okay," said Sanchez. "What was done with this information back in January?"

"The asteroid was first sighted by an amateur astronomer in South Dakota and word quickly spread via e-mail among the community—especially among major asteroid researchers who confirmed the sighting," said Sanchez. The major concern became "who" to tell—and if.

"So, from what've you told us previously," said Sanchez, "there is no one in the government specifically charged with tracking and reporting on asteroids or comets?"

"This is correct. We know that the President was told in a roundabout way, but no one officially has the responsibility nor is lining up for it. Could you imagine what would happen if NASA or anyone caused the evacuation of an entire city or even state and the forecast turned-out to be wrong?"

At this point, Janik turned to the governor and remarked that the state also needed to consider this contingency in setting-up an emergency infrastructure. Sanchez nodded and turned cautiously toward Davis as if he did not want to lose his train of thought.

"What would larger diameter asteroids or comets do?"

"Well, a 1-km (1000-yard) asteroid would level a city," Davis said. "Its effects on the world climate would be equivalent to a volcano erupting. A 2-km (1.2 mile) asteroid would produce a 29-mile diameter crater and major regional impacts and global effects. A 5-km (3-mile) asteroid would create a 62-mile diameter crater with serious global implications. Anything 10-km (6-mile) and above would create craters 124 miles or greater in diameter and succeed in destroying almost all life—most certainly our civilization. By the way, comets pose slightly less of a threat than asteroids since they are far more predictable and would more easily breakup in the atmosphere—particularly if they are ice comets."

"So, in terms of homeland security," said Sanchez, "what would you judge the implications to be?"

"Well, governor, much of it comes down to timing," said Davis. It is generally believed that once all near earth asteroid orbits have been identified and charted, any that would be a threat will be definitely known and we would have decades and even centuries to prepare countermeasures to divert its orbit. It's the objects that we don't know about—or don't have time to do anything about that are

of greatest concern. We could be hit right now and be taken by surprise or only have a few months, weeks or even days notice. Then we have to decide how to respond as well as what, if anything should be told to the public."

"This is where the implications become the same as for other natural disasters or for a major terrorist attack," Sam Janik interjected. "If we are prepared for this, any other natural disaster or terrorist attack will be far simpler to comprehend."

Sanchez leaned back in his leather stitched chair for a moment and then laid out his general thinking. "Okay, we have to worry about protecting the population to include maintaining public order; determine how to deal with the location of probable impact, location of state command-and-control to include secondary sites if the capital is lost; securing of evacuation sites; acquisition and supply of food, water, medical care and shelter; and finally reconstruction to include dealing with major climate disruption—or long-term survival of the people if the worst happens.

"The biggest decision," continued Sanchez, "is what and when to tell our citizens—particularly if we are looking at one of these 'global killers.' I suppose that if that happened, the President of the United States would be involved and the decision would be at that level—still I would feel a special responsibility for the residents of this state."

What the participants had initially thought was "preposterous" about Davis' presentation, and what they struggled to see in terms of its relevance to homeland security, had taken on an entirely new dimension—that is, "astronomy was connected to management."

Questions and Instructions:

1. You are the governor, what steps do you take to deal with a major asteroid or comet strike? In addition to the questions outlined above by Gov. Sanchez, how do you ensure continuity of state government and law and order? Please explain.

2. As governor you have just been informed by Dr. Davis that a "global killer" has been positively sighted and confirmed. Impact is only a few days away and there is nothing anyone can do. Also, the impact area will be in a remote area of northern Canada and only a few people know about the impending danger at the moment. What actions do you take to prepare for the aftermath should there be some possibility of survival? Who do you tell and what do you tell them? Do you consider not telling them at all?

Part 2. Stop before you read this section of the case study!

The potential devastating and life threatening implications associated with the partial destruction or annihilation of a part of Earth, as described above, most likely resulted in the different types and layers of governmental organizations uniting around a common cause—survival! The need for personal survival has been studied by cultural anthropologists, sociologists, and an array of other disciplines interested in understanding whether or not this powerful drive is learned (environmental) or innate (genetic or biological). Perhaps, some would say the advanced warning presented in the scenario with all of the attendant consequences were well-known, forecasted or surmised in advance of the impending danger. That provided an incentive to break-down barriers and put hostilities and differences that had simmered over the years on the back burner. Indeed, leaders from all the sectors of the economy perhaps engaged in cooperative and collaborative behavior and acts that would not otherwise be considered as within their range of reach or possibility. Even if the scenario presented earlier did not take place, it is speculative, of course, whether any of the actions taken to either mitigate or eliminate the dangers of a direct hit would long endure after the emergency had passed.

This is not as contrived as one might suggest, for there are other calamities that occur in the world in which we live that have major implications, although they may not be as literally earth-shattering in their manifestations, but they affect large populations and involve many governmental jurisdictions—that is, they cross either natural geographical boundaries or multiple general purpose jurisdictions such as municipalities, counties, or states.

The implications associated with "The Day the Sun Quit Shining" scenario and upon which members of the class voiced their opinions and reactions already, were probably many and far-ranging in their diversity. Nonetheless, a central thread was woven through the discussion, we might conclude, concerning what could be done in an anticipatory and proactive way and what was possible after the event had taken place.

Now, we turn our attention to the recent natural disaster that took place in several of the Gulf Coast states (Alabama, Mississippi, and Louisiana) during the early fall of 2005. When the winds of Hurricane Katrina and Rita had finally quieted, the death toll was audited, and the hundreds of billions of dollars in property loss were calculated, the question most often raised by commentators was: "Why was the United States and the many cities and regions within these vulnerable states so ill-prepared to meet the human and infrastructure needs associated with such a widespread catastrophe?" For some, the questions connected to adequate planning, prompt emergency preparedness and response, adequate discipline, and inspired leadership, remained completely inexplicable. Others opined why the response, even months later, seemed to be so minimal!

Yet, the damages that were likely to occur with a Level 4 or 5 hurricane possibility had been periodically forecast over the past 35 years and those associated with the U.S. Army Corps of Engineers and several simulated studies, etc., were well-documented. Those who were familiar with urban planning principles and disaster or emergency preparedness, and emergency management, realized that a disastrous event similar to Katrina would wreak havoc on the lives, property, and economy of these states. In addition, the studies examined the fact that the city of New Orleans fell

somewhat below the surrounding water levels of Lake Ponchetrain and the Gulf of Mexico—in places over 20 feet below sea level. Some studies portrayed New Orleans as akin to placing a urban population of one-half million in a cereal bowl and other analogized the geography as more liken to a saucer—slightly larger in diameter than a cereal bowl, but less deep.

After the hurricane had delivered the full force of its energy (flooding and wind), some policy "wonks" still used the saucer metaphor and others likened it more appropriately to a Petri dish—a glass used in a research laboratory, contaminated with both organic and inorganic waste. New Orleans, after the rupture or breaching of the canal system, had become a Petri dish filled with a "cocktail of debris and toxicity" similar to what might be constructed by a very "mad scientist" bent on concocting a formula for mass disease and death.

Months after the hurricane had impacted the postmortem analyses rendered by the U.S. Congress, the White House, the Department of Homeland Security, the Federal Energy Management Administration, the City of New Orleans, The American Red Cross, many academic and policy-related "think tanks," and institutes of research, the most salient issue of all remains undefined, undigested,—and most importantly, unanswered. Simply put, knowing that a hurricane of the highest magnitude was possible in this vulnerable region of the country—knowing full-well that it was no longer a question of "if there would be a hurricane of this size, but only when it would occur," why didn't the cities, states, governmental and nongovernmental organizations, etc., come together and plan for an appropriate and timely reaction?

Questions and Instructions:

3. What elements associated with planning for an "astronomical disaster—clearly one that is "extraterrestrial," would be similar or different to those used in planning for a pandemic outbreak (the Avian Flu, Smallpox or Anthrax outbreak), a tornado, earthquake, forest fire, or "brown-out/black-out)—clearly terrestrial likelihoods? Please discuss those elements that would need to be taken into consideration.

4. To what extent do you believe the human response would be competitive? Collaborative and cooperative? Please explain.

5. In the case study, Gov. Sanchez outlined the beginnings of a strategy for dealing with a potential disaster from space. Janik, state director of Homeland Security, pointed out that even working through and establishing an infrastructure for dealing with totally devastating

type of disaster makes tornados, floods, and terrorist attacks suddenly more manageable. Do you agree with Janik? If so, why? If not, what are your reasons? Please elaborate.

6. How can the study of "science fiction" aid managers in studying phenomena that are not fictional or contrived? Please give several examples. In what other ways might fiction, drama, folklore, and mythology be connected meaningfully to the study of management and public policy? Please elaborate.

7. Why do you think that very little mention is given to the federal government in either planning or responding to these disasters? Please justify your response with recent examples.

*** This case is contrived in such a way to provoke both critical thinking and reflection, and is not based on an actual scenario.**

26

The "Pink Slip" Support System

by
C. Kenneth Meyer and Charles Stewart

La Donna McKnight religiously read the *Wall Street Journal* (WSJ) on a daily basis and usually spent a good portion of her weekends absorbed in the Weekend Edition of the *New Work Times* (NYT)—her paper of choice and the nation's "newspaper of record."

As she turned the pages of the WSJ, she was amazed to read about the financial failures of banks (large and small), investment houses, security firms, insurance companies, Fannie Mae and Freddie Mac, and a myriad of other corporations. They had fallen into disarray and were either in a state of insolvency, Chapter 11, receivership, bankruptcy, or had been acquired, consolidated, or merged with other corporations. As she read the paper, she was astonished by the amount of federal dollars that were loaned to failed businesses in the form of bailout loans or payments. Paradoxically" she thought it was quiet strange that the records of who got what, when, were, why, and how much was not more transparent. "Indeed," she told her colleagues at work on Monday morning, "the waning days of 2008 were filled with accounts of billions of dollars that were 'coughed' up from the coffers of the federal government and the billions turned into trillions, in fact, nearly nine trillion dollars."

She read on with interest the op-ed written by a *Nobel laureate* economist who felt the funding for bail and buy-outs from the federal treasury would not become worrisome until another ten trillion or so dollars had been distributed to those who sought federal monies sufficient to salvage their enterprises. She thought her feelings were typical in that she realized that the economy had reached an acute level of financial instability both domestically and worldwide. And, according to the daily diet of news, the United States was in the midst of an economic recession that was unmatched since the "good ole days" of the Great Depression. Yet, the special interests that converged on the new financial "Wall Street," the federal city, were taking a number at the "bailout counter" and queuing-up: the big two U.S. automobile manufacturers (Chrysler and General Motors), state and local governments, a variety of insurance companies, in short, corporations big and small that needed a loan to bridge the troubled waters they were crossing.

What really irked La Donna was the insurance company—American International Group (AIG)—that solicited and was granted nearly $185 billion dollars or an amount approximately equal to 25 percent of the total Department of Defense (DOD) budget for fiscal year 2009. In addition, she complained that the money was turned over to AIG hardly without a word of public discussion or

congressional debate. Accordingly, she wanted to have, like most of her colleagues, more public transparency and accountability for the federal dollars.

Further, as she read about the economic meltdown, she wondered why the various sectors of the economy had been treated differently. She said, "Wall Street interests were bailed out with ease and 'Main Street' businesses had difficulty getting the financial assistance and loans they required for survival." She asked herself if this was just one more example of upper-class economic interests trumping the interests of the working and middle-classes—the blue and white collar workers in the old, Midwestern, and formerly heavily industrialized cities. The rhetorical question she posed was succinctly answered in her own mind's eye. "Yes, layoffs will follow and bankruptcy would be the best cause of action for some of the corporations and businesses that failed to change, innovate and adapt to the new world economic order. There should be no such thing as 'too big to fail.'"

As La Donna tossed these complex economic and political notions around in her head, she focused more closely on the national unemployment rate that had edged over nine percent and the nearly twelve percent unemployment rate present in her own backyard. These statistics, she mused, did not bode well for the future. In fact, bringing the matter closer to home, how would her own regional area deal with the prospect of having the only remaining automotive parts manufacturing plant shut down in her city? She further wondered if push came to shove and demands for automotive products were severely reduced or even eliminated, what would be the economic future of hundreds of non-unionized workers.

Unfortunately, La Donna had only a short time to wait before her fears became a reality and Grand Prairie was hit with one of the largest plant closings in its history.

Grand Prairie's largest remaining manufacturing company, ACME Automotive, Inc., announced that it would be closing its aging plant doors and moving its production to a new facility it had constructed several years earlier in Mexico. ACME's CEO Duane Butler cited escalating labor costs, high state and local governmental taxes, and excessive health care costs as the main economic factors on which the closure decision was predicated. The aging, obsolete plant was a non-union shop that employed nearly 350 workers, mostly in the parts manufacturing and assembling business. Butler regretfully informed the employees that due to the serious national recession and the precipitous decline that the industry expected in parts orders, that only those workers with critical job skills would be considered for transfer to one of two remaining U.S. operations. He further stated that layoffs would be across the board.

La Donna worked for the Region 4 Economic and Planning District and understood that ACME would need to comply with the Worker Adjustment and Retraining Notification (WARN) Act. This 1989 federal law she read, provides protection to employees, their families, and communities by requiring employers to give affected employees and the state and local representatives notice 60 days in advance of a plant closing or mass layoff. She examined the provisions of the act that made it applicable to employers with one-hundred or more full-time

employees and downloaded the section on which she now needed to review and fully understand. She jotted down the following provisions of WARN and prepared to discuss them with her immediate supervisor, Jack Schwabe, the director of the 4th Economic and Planning District. She wrote in an abbreviated form these bulleted points.

- WARN is applicable to employers with 100 or more full-time employees;
- A 60-day notice of layoff is required when plant closings include 50 or more employees over a thirty-day period or layoffs of 50 to 499 employees equaling 33 percent or more of the workforce at a single site;
- Notification must be given to affected employees, union representatives (if applicable), and to the chief elected officials in the jurisdiction(s)—usually a mayor or county chair; and
- Important exception: Plant closure related to a natural disaster is not covered by WARN.

Shortly after La Donna had met with Jack Schwabe, he was notified by ACME that all employees had been notified of the plant closing. In addition, Mayor Randy Holbrook and County Chair Jake Lester and had also been officially given a formal letter of plant closing notification.

STOP: Please answer questions 1 to 3.

Questions and Instructions:

1. If you were in La Donna's position, how would you begin to prepare for the massive layoff at ACME? Please explain.

2. To what extent would you work with agencies and programs available at the city, county, and state levels, and also with ACME Corporation? Please elaborate.

3. What resources could you bring to the employees of ACME? Please list these resources and indicate how they would be helpful to ACME employees and the city of Grand Prairie.

Case Continuation: Second Part

La Donna McKnight had never directly experienced a plant closing and layoff of this size. In fact, none of the earlier plant closings or downsizing she was involved with had more than 30 to 40 employees and none of them met the threshold for WARN compliance.

She wondered how the city, county and planning district might be helpful to ACME employees as they prepared to be laid-off. Although she had some knowledge of the state's unemployment agency, she did not have a firm grasp of what role it might play, if any, in this situation, other than certifying worker eligibility for unemployment insurance.

Accordingly, she spoke with Miles Meier, Director of Human Resources for ACME, and he informed her that they had been contacted by the state's Office of Workforce Development (OWD), and told of the Workforce Investment Act of 1998 (WIA). In short, he stated, "This federal law was passed to consolidate, coordinate, and improve employment training, literacy, and vocational rehabilitation programs in the United States, and for other purposes." Meier also told La Donna, and to his surprise, that he had learned that a "one-stop" career center needed to be established that provided employee access to seventeen (17) different federal funding sources. As he spoke with the representatives of the local OWD, he was also told that a customer cannot enter a wrong door for services since they are all present behind the same door! Then, he was asked if he wanted to meet with the WIA representative and workforce development staff and consider hosting a "Rapid Response Event."

This was great news for Miles Meier and he promptly set up a joint meeting at the ACME plant for all affected workers. Not surprisingly, the meeting was heavily attended and the orientation provided by the OWD office was complete insofar as it presented an overview of all services that would be made available at the "one-stop" shop. The workers were informed that they were covered under WARN and, as such, were automatically eligible for all OWD services.

Applications were handed out to those in attendance and they were asked to complete and return them while on-site. Appointments were also scheduled for affected employees to meet an OWD designated career advisor. Further, at the briefing, staff members from the unemployment insurance office were present and they helped employees complete their applications for unemployment benefits. Most employees were impressed by the promptness of the governmental response and pleased that a process was beginning to take shape to help their transition, hopefully, to new jobs or careers.

Several weeks had passed since the OWD "one-stop" shop had been set up and La Donna had heard nothing but positive things about its operation from the mayor and county chair. She decided to see for herself and made an unannounced visit to actually observe firsthand the operation of the one-stop office. She was amazed, even shocked, at what she found! As she left the shop, she picked up a brochure that OWD had prepared for general distribution and it listed the funded services, as shown in **Table 1**.

La Donna scanned the list and thought to herself that she had never heard of many of the funded services before. She was informed that although OWD provided considerable funding to her planning district, that the marketing and advertisement budget for OWD had been severely cut. In the midst of her discussion, one OWD staff member told her, "We rely nearly exclusively on word-of-mouth or person-to-person advertising to get the word out. We know the programs should be better communicated, but without money, eligible program participants will more than likely be passed by. We're doing the best we can with a bad situation."

Table 1. Services Funded and Provided Through the "One-Stop" Office

WIA Funded:

- Personal interest inventories and other assessment tests
- Resume writing laboratory
- Access to local, state and national job listings
- Workshops on how to look for a job
- Personalized career advisement and job coaching
- Funding for training at local colleges and technical schools
- Subsidized employment opportunities such as on-the job training (OJT)
- Support services to attend training, such as child care assistance
- Access to phones, faxes, and the Internet for job seeking services

Adult and Community College Funded:

- English as second language classes
- GED classes
- Student loan and financial aid counseling
- Short-term remediation classes, including computer literacy
- Literacy programs

Wagner-Peyser Act Funded:

- Unemployment insurance
- Trade Adjustment Act training funds
- Special training and job placement opportunities for veterans

Department of Rehabilitation Funded:

- Specialized services for people with disabilities, including funds for training and specialized work opportunities
- Funds to assist employers with making Americans with Disabilities Act (ADA) accommodations
- Support services, such as the purchasing of assistive technology and equipment

Community Services Block Grant (CSGB) Funded:

- Weatherization assistance
- Access to food and clothes banks
- Emergency shelter
- Utilities payment subsidies
- Ride service for those without transportation or needing accessible transportation

Title V Funded:

- Specialized services to people age 55 and older, including funds for training and specialized work opportunities.

Satisfied that what she had just observed was every bit as good as what she had been briefed by her associates, she returned to the planning office and told her co-workers the following, "There is a rich menu of services offered at no-cost to the affected workers. One-stop said it all! The services that are needed immediately, such as resume writing and application for insurance and assistance were in place; and, long-term services for those that remained unemployed—funds to pay the cost of utilities—were also in place."

STOP: Please answer questions 4 to 7

Questions and Instructions:

4. Please contact your local WIA Office or Workforce Development Office and secure for your class members, brochures, pamphlets, and other information that address the services they provide when plants are closed down.

5. As shown in **Table 1**, there are many services that the Workforce Development Office provided in this case. Which ones do you feel would be most important (helpful) to the wide range of employees who were terminated at ACME? Please elaborate.

6. Are there any services that you would want added to the "one-stop" shop that are not mentioned in the case study? If so, who should provide these additional services: ACME, WIA, the 4th Economic and Planning District, Grand Prairie, the county, or the state? Please be specific.

7. Of the many services that were made available to ACME workers, which ones, if any, were you familiar with prior to reading **Table 1**. Services Funded and Provided Through the "One-Stop" Office? Please explain.

Case Continuation: Third Part

It did not seem possible to La Donna McKnight and Mayor Randy Holbrook that nearly two full years had passed since ACME had closed its door and hundreds of employees were left searching for their next employment. The boarded up ACME plant with its chained parking lot, remained as ugly reminders of an economy that, at least for Grand Prairie, had "crashed and burned." Although they both remained impressed by the type and quality of services provided by OWD, they realized that many employees remained either underemployed or unemployed, or in total frustration had just plain surrendered to their economic fate of joblessness.

The planning district and city had not been idle during this period and had been engaged in a vigorous effort to bring green collar jobs to Grand Prairie. The vacant ACME facilities with its cavernous warehouse space and office complex were ideally suited for the production of photo-voltaic panels. In fact, they had received a few "nibbles" from some of the premier manufacturers—one American and the other based in Germany. They were genuinely excited that their regional area might experience a surge of employment if they could negotiate a deal with either of the interested parties. The city was prepared to march ahead with a tax abatement plan and provide Tax Increment Financing (TIF), if necessary, but they shared a collective worry that it might take more than these traditional inducements if they were to "snag" a green collar company.

Satisfied with the services they had previously received from OWD during the ACME plant closure, they wondered about what kind of support, if any, they might receive from the same office if the local economy began to rebound, especially with the prospects of bringing a photovoltaic manufacturing center to Grand Prairie.

Once more they contacted OWD and were informed that there were many services that would be made available to a new company if brought into their midst and that most of the support would be available at no cost. These following services would be funded and provided by OWD.

- Multiple application distribution and collection points throughout the region using a network of partner organizations;
- Preliminary assessments of job applicants;
- Application screening services;
- Video interviewing of prospective employees;
- Accessibility to pools of hundreds of people looking for work at the regional and national level;
- Coordination with "one-stop" shops throughout the United States in order to help identify skilled laborers who were ready to move to the Grand Prairie area;
- Subsidized employment opportunities, such as on-the-job training (OJT);
- Incumbent worker training that would assist in upgrading persons already employed;
- Access to a wealth of needed, important information to the employer, such as Equal Employment Opportunity (EEO) and Occupational Safety and Health Administration (OSHA) regulations and statistics;
- Access to numerous state grant opportunities available to support training and infrastructure costs; and
- Community college funded grant and loan writing assistance, for the development and instruction of customized on-site training programs, and the development of business classes and workshops.

Excited by what they had learned, they incorporated many of these support services into the economic and planning portfolio that they had prepared for new industry and business solicitation.

Questions and Instructions:

8. If you were in any of the creative and entrepreneurial "green collar" businesses, which of the services listed above would be most important in attracting your business to Grand Prairie? Please explain.

9. Are there other programs that you believe to be essential if a green-collar industry and labor force are to become more than a mere fantasy of economic development enthusiasts? Please elaborate.

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The Selling of America

by
Garry Frank and C. Kenneth Meyer

Elwood James became a volunteer firefighter when he turned eighteen years of age. This was a momentous time for Elwood since he was always fascinated with fire trucks, ladders, pike polls and hose, and he was especially intrigued with the "ear busting sirens" that blazed when the "big red trucks" left their fire barn that was located across the street from his childhood home. Of course, he knew that his youthful dream of being fitted for a helmet and the lettered and numbered turnout gear would have to be set aside for the realities that he now faced as an adult. Now, he was properly dressed in a uniform and he was trained to assist individuals, families and even animals who faced the terror of fire, accidents, and other adversities.

The image of his local fire department was further emblazed in his mind and he, like his parents and neighbors, had nothing but the highest respect for those who placed their lives in harm's way so that the public might be served. He also enjoyed the yearly pancake feed and "bouyla" that the firefighters cooked up each year in order to raise money so that they could give new toys to those children who had lost theirs in household fires.

Elwood chuckled to himself as he pleasantly recalled the days of his youth and the gift of wonderment, imagination and fantasy that characterized those days when his basic character and attitude toward government service was being formed. But that was then and this is now and time had changed everything! It was nice to reminisce, but now, as fire chief, he had to shoulder the responsibility of managing the fire department that was the focus of his childhood dreams. And, who would have predicted, other than his parents, that Elwood James, a young man with an unrelenting thirst for achievement, would become the first African-American to serve in the Johnsonville fire department?

Johnsonville was characteristically Southern in its architecture and urban design and although it was laid out in a typical grid pattern, one could easily ascertain the "concentric zones" which made up the city's core business and the residential circles that encompassed new immigrants, older residents, and the ever sprawling neighborhoods and strip malls. With a population of nearly 60,000, Johnsonville was attempting to keep up the changing times and face the historical legacy of segregation and the present challenges of economic and racial integration. These challenges were daunting and required constant vigilance if they were to be fully met.

Not unlike other urban places, Johnsonville had run the course on tapping into the various sources of revenue generation including sales tax, users' fees, water and utility usage rates, hotel and motel excise taxes and the ever unpopular rise in property taxes. These traditional sources of local funding had been fully exploited and the residents of Johnsonville wanted to "hold the line" on any added taxation efforts. The city had also gambled on the future and took on the daunting challenge of attracting new industries and businesses and thereby, providing a source of good paying and secure jobs. To achieve this goal, the city exploited the use of Tax Increment Financing (TIF) schemes, tax abatement policies for new construction in underutilized and undeveloped areas of Johnsonville and provided an inducement to locate in town by reducing the water and utility rates for new businesses they had successfully attracted. However, the revenue generated did not keep up with the escalating costs of providing governmental services as the city's infrastructure continued to deteriorate, the existing housing stock aged, and the population became increasingly diverse.

Times were especially challenging for the department as the personnel costs of its small core of full-time firefighters ratcheted upwards and the cost of health care increased in double-digit, inflationary jumps coupled with the fact that their union negotiators were determined to see that they were treated fairly in the upcoming labor-management negotiations. Chief James also had to cope with the continuing sage of aging equipment, deteriorating old stock of hoses and the expensive maintenance associated with having a fleet of older ambulances, pumper engines and ladder trucks. And, he had to replace the dated protective clothing and safety masks and lay in the needed equipment required for the safe handling of hazardous materials and accidents.

Chief James presented his customarily well prepared budget before the city council and they in turn allocated the usual four percent increase in funding for the fire department. He spoke to the council about the state of his department and the rising costs associated with providing fire inspection, fire reduction and fire suppression in a city where the houses were aging, the population was growing, and risks of fire, as his statistics on fire incidents showed, were increasing. He knew that he sounded like other department heads and that he would not be able to get money from a "stone." At the end of council meeting, he returned to the fire station and retreated to his office. It was, he thought, the "...worst of times." Now what novel ideas could he come up with that might "liberate" his department from their financial exigencies?

As James thumbed through the *New Reporter*—the city's only daily newspaper, he noticed that the local gambling facility (Lucky Sevens Resort and Casino), had a "bumper" year with its 98 percent payoff rate for the tables and slots. He laughed about the absurdity of gambling and thought it was an unusual advertisement ploy to pay-back an average of ninety-eight dollars for every one-hundred dollars dropped into the machines or placed on the green felt tables. Yet, the advertisement touted that it had paid out over 300 million dollars in winnings during the last fiscal year—a figure that James felt was astonishingly high.

The feature story on Lucky Sevens, as it was affectionately called by those who lived in the regional area and gamed there, was soliciting funding proposals from public and non-profit organizations that would help address recognized community needs. Chief James reflected on the added equipment and training that was required in his department when Lucky Sevens came on line and perhaps this was a chance to get some needed funding for the list of equipment and training needs that he had prioritized and had just presented before Johnsonville's City Council. The article indicated that the Marietta Hughes was the chair of the board of directors of Lucky Sevens and that all inquiries should be directed to her attention. He would contact her tomorrow, he thought, and she certainly would be receptive to his department, especially given the good relationship he had with the casino and their recognition that Johnsonville's fire department encumbered new expenses associated with largest gaming facility in their state.

Marietta Hughes seemed most anxious to inform Chief James about their Request for Proposals (RFP), and told him they would be happy to talk about the prospects of granting the department up to $600,000. Hughes stipulated, however, that with funding at that high level, Lucky Sevens required that it be used to purchase a piece of equipment such as the First-Responders Hazmat Truck which fortunately Chief James had just received a low competitive bid of $550,000. Hughes also stated that the new truck would be required to bare the logo of Lucky Sevens Resort and Casino on each door of the cab and on the back of the truck. She said the Logo would be shown with a picture that displayed a winning slot machine—of course, all red sevens, and the accompanying statement, "Sponsored by the Lucky Sevens Resort and Casino." James thanked Hughes for her courtesy, time and information and said he would examine the ramifications, if any, of their discussion.

Chief James was anxious to get the finances that would enable him to upgrade his department, but the idea of the "gaudy" logo and the accompanying statement bothered him. Not being a novice to the budgetary process, he realized that added funding from the city would not be forthcoming. He also knew that the city council had given all of their department heads the authorization to pursue outside funding at their discretion—funding from companies, philanthropic organizations, private donations and grants from governmental sources. At the fall meeting of the International City Managers Association (ICMA), the topic of extramural funding was addressed during a panel session, and the response, overall, was very positive—especially from the city managers. James also knew that the "gift" from the casino was not prevented under applicable state and local laws. Yet, the idea of advertisement on a city owned vehicle was deeply troubling, especially since he had grown up with the image that city vehicles should only display the logo of their city.

As he faced this "prisoners' dilemma," many examples raced through his mind and he reflected on the uses of city public space and equipment that were being occupied for purposes of advertisement—some corporate and others from nonprofit organizations. He thought about the appropriateness of having corporate advertisement posted on the parking meters and he thought in a peculiar sort of way they served as "miniature billboards," but revenue was, nevertheless, generated.

He had seen with his own eyes the advertisement posted on public transportation, buses, trams and commuter cars and thought that the buses that had been wrapped in their colorful "vinyl advertisement" were attractive. He further noted that The U.S. Marine Corps advertises on the reefers of truck lines and that public spaces have become as the Wall Street Journal suggested, "a corporate gallery for graffiti with a profit motive." And, although he felt that public property should not be defaced, he had personally seen advertisement stuck or pasted on anything that stood still long enough for the "urban marketers and their guerrillas to leave their mark." Of course, he had learned early on in his civic courses that speech was protected by the First Amendment, but should Johnsonville's public property become the billboard for the future—fire trucks, water towers, city vehicles, police cars, traffic control signals, public parks, civic centers and arenas, ball parks, swimming pools and schools.

The enumeration of countless examples did not ease his decision making dilemma for the list seemed to be endless. He wondered if the trend toward advertisement on public property was merely a new type of blight that had been seductively brought into our urban spaces. If so, was this any different from the commercial advertisements placed on park benches, bus stands or even more dramatically, the public university's advertisement printed in the media and shown on television and what about the advertisements that states and cities used to attract business to enhance their chances for economic development?

Chief James thought about the implications associated with commercial advertising overall, and particularly on his fire equipment. He wondered if it was truly worth it to get a new Hazmat truck that also "sported the casino's graffiti." What message would his department be giving to the city and especially to those who are most adversely affected by gambling—those least able to afford to gamble responsibly?

Questions and Instructions:

1. If you were faced with Chief James's dilemma, what would you do? What would you find alluring about Marietta Hughes offer? Or, what in Hughes's proposal do you find repugnant?
2. If you either decided to accept or reject the offer from Lucky Sevens, explain the rationale that justified your decision? Would your justification be the same if you were making it before the city council or the citizenry? Please explain.
3. Explain how local governments have used commercial advertisement on buses and park benches to generate revenue and the implications, if any, that would be felt if commercial advertisement was extended to publicly owned emergency vehicles. Justify your answer.
4. Please develop a policy statement that will guide the city council and departments on the appropriateness of commercial advertising on the city's emergency vehicles. You might want to determine if there is literature on public sector advertisement and if it differs from that used in the private sector. Present a copy of the policy statement you just prepared to the class and ask them to identify the advantages and limitations of your recommendation.

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The Senior Housing Shuffle: Connecting Public Policy to Universal Design, Sustainability, Health Management and Aging in Place

by
C. Kenneth Meyer, Wendi Saur, and Jeffrey A. Geerts

Introduction: A Major Restoration Project for Seniors

For Judy Jones it was another routine, boring drive to work on the Crosstown Expressway. Customarily, she selected her favorite morning radio show that interspersed local and regional news with classical 80s and 90s rock. Today, however, the host briefly mentioned a major restoration project in "Uptown,"—the neighborhood where she resided. The project would cater to older citizens and would also serve older persons with disabilities. Anxious to get the "rest-of-the-story," she bought the local newspaper and quickly paged to the local and regional section. There she found a feature story on the new developments and their associated and intended uses in the metropolitan area.

The Uptown neighborhood where Judy lived had experienced a gradual, but protracted, deterioration over the years and many of the older and larger structures, such as schools, department stores, warehouses, and commercial buildings, that once proudly served the community, had fallen into disrepair and underutilization—derelict, in an urban planning sense. Her spirits were elevated today as she read about the soon to be completed rehabilitation and restoration of the old Emory School and how it was being converted into a reasonably modernized and upscale apartment complex for seniors. This was good news for Judy since she was employed as program manager at Senior Services—a local social services agency that served older adults. As an aficionado of historic places, several years ago she and her husband purchased a home that was listed on the National Historical Register and painstakingly restored it to its former majesty and charm as one of the great "Victorian Ladies" of the neighborhood. She loved the beauty and distinctive old world character of the aged buildings and her passion for historical preservation was palpable both at work and as a leader in her neighborhood association. The Emery, as it was affectionately called in the community was once located in a prosperous, reasonably middle-class, residential and commercial district. In the last thirty years, the Emery had fallen on hard times as families matured and the "old-stock," single residential units were converted into multiple dwelling units—all which became the victims of neglect and general urban decay.

When Judy arrived at her office, there was a buzz about the new facility. It was not every day that new senior housing was on the development dashboard, especially, one that targeted a building in an area of town that was economically vulnerable. The facility was rumored to be for low-to-moderate income seniors. This was exciting since Judy's program was focused on having an up-to-date listing and inventory of community services, providers and facilities for seniors, and this complex was being developed by a large corporation by the name of Preservation Inc. Her research indicated that Preservation was a highly respected class act and had a solid record of accomplishments with similar projects in large metropolitan areas where it set up shop. Judy had to rein-in her enthusiasm for the Preservation project, since earlier, another company had taken on the Emery School project, but soon abandoned the project after several weeks of construction, and past promised community development projects in Uptown had been slow to materialize. In the last decade, only one other housing project had been completed in the area—Scenic Hills—an assisted living center managed by Hamilton Associates. Prior to Hamilton Associates taking over the property management of Scenic Hills, it had changed hands several times in the last few years.

The Relationships Between Organizations are Unraveled

Judy's agency had an ongoing relationship with Hamilton Associates because they were the only facility within a radius of 15 miles that provided an assisted living level of care through the state Medicaid program for the elderly. Recently, Hamilton Associates hired Nancy Fredericks, as its new administrator, and already the reviews on her performance were mixed. Nevertheless, Fredericks assisted Judy to plan a community education event at Scenic Hills, and many service providers and agencies were successfully brought together for a day-long program. Some of the residents and their family members expressed dissatisfaction with the level and range of services they were receiving at Scenic Hills, and they showed general discontent with the disrepair of the facility.

Several additional weeks passed and Judy wondered what role her agency might play in the new Emery Estates; as the new development was formally named. Then, her director asked her to sit in on a meeting with the administration of Preservation. Judy had done her due diligence research on Preservation and its mission statement revealed that it intended to rehabilitate historic buildings into quality senior housing, and at the same time, provide services to residents through active partnerships with community service agencies. Since Judy's program was dependent on this type of relationship with the community, it was a natural fit. For every dollar spent on her program she had to secure thirty-three cents in local matching contributions. The contributions could either be in cash donations or in-kind services. Partnerships and networking arrangements in the community were essential because of the tough economic climate and the abundance of other local nonprofits who sought similar arrangements. In her world of experience, donations and in-kind service agreements were becoming increasingly difficult to find. Judy spent much of her time searching for new ideas and sources of what her organization called "match," and now opportunity was knocking at her door. After considerable discussion, Preservation proposed an agreement that would be mutually beneficial to both organizations: Judy's program would counsel residents about available support services in the area; Preservation Inc, would provide meeting space, technology links, and residential marketing

opportunities. In short, a formal contract was signed and Preservation then disclosed that they were planning on doing a similar rehab at another historic building in Uptown, and the arrangement with Senior Services would be helpful in their attempt to secure funding, and would help them move ahead with dispatch on the new development. Judy was ecstatic—this was a great day for the neighborhood, city and area seniors.

Emery Estates is Opened to the Public in a Celebratory Way

Months later, Emery Estates opened on its anticipated leasing date, and new apartments opened with a grand celebration—a major community event. Those who participated in the grand opening, praised Preservation for its attention to detail and for enhancing the elegance of style and the maintenance of architecture integrity in the restoration. Certainly, to all concerned, Preservation Inc., had set the bar high for other senior housing complexes in the regional area. Judy had no doubt in her mind that Scenic Hills would soon be filled to capacity since the pent up demand for low to moderate-priced housing was intense and the facility was located close to the centers of demand. Also, in the area, there were long waiting lists for leasing apartments similar to those presented at Scenic Hills.

Things began to move quickly and Senior Services decided that Judy would hold office at Emery Estates for two hours each week. She was eager to start the new project and had experience doing this type of counseling and referral at another senior center in the area, but her experience was that it was not well attended due to a lack of marketing by the host agency. Judy hoped that she would at least have one senior to talk with and counsel per visit to Emery Estates. She kicked off the informational session as scheduled and it was well attended.

Judy arrived at the agreed upon time and was taken to a conference room that she was to use for her office to meet with and counsel seniors. Initially, she was disappointed that the manager of Emery Estates was not present to meet her as intended. Sshe was told he had "pressing business," only to see him casually stroll into the office 15 minutes later with a frothy hazelnut latte. In preparation for this new assignment, Judy had been supplied special technology that allowed her to work wirelessly by phone and computer while at Emery Estates, but in the meantime, Preservation had decided to locate Judy in a remote area of the basement. In her basement location, the phrase, "...they don't build them like they used to," came to Judy's mind. The basement walls were uncommonly thick, and none of the communication technology that Judy was given worked in the dense environment. Weeks went by, and although Judy complained about her office space, she was not relocated to an upper floor as requested. Despite these annoyances, she was happy with the number of residents that stopped by for assistance—although the facility had only reached 50 percent occupancy.

Weeks of activity at Emery Estates turned into months and Judy had worked one-on-one with many residents. She often would check-in with Fred Winks, the manager, while on-site, in order to keep the lines of communication open. Fred was new to Preservation, the community and lacked experience dealing with the many issues faced by seniors.

Major Problems on the Management Dashboard

During one of Judy's visits with Fred, he mentioned that there were many problems with the residents and that he was glad that Judy was on-board to deal with essentially social worker-type problems. Fred asked Judy about a situation that he was dealing with that involved Hamilton Associates and Scenic Hills. Judy was well aware of the situation at Hamilton, since a group of residents there had met with her earlier to discuss their concerns. Judy chose her words carefully since was bound by HIPAA standards regarding her conversations with senior residents and had good relationships that she wanted to preserve at both Hamilton and at Emery Estates. Fred expressed his frustration with Hamilton for not providing the needed paperwork to Preservation for several potential clients, including John Zagby, who had requested the needed rental references from their agency.

Judy had consulted with Zagby's case manager/social worker at her office after receiving several complaints from friends of John Zagby who now lived at Emery, but were former residents at Hamilton's Scenic Hills. The social worker had worked with Zagby on the relocation and indicated that Nancy Fredericks was difficult to deal with, although Zagby would make a suitable candidate for an independent living arrangement.

Many of the residents at Scenic Hills, an assisted living facility, had moved to Emery Estates since the facilities were close to one another in the city and it was an attractive alternative. Seniors could use their Medicaid waiver program to pay for in-home care in an independent apartment, rather than in assisted-living care at an assisted-living facility. Hamilton's administrator felt that the residents who were moving to Emery Estates did not belong in independent living although they were still using the Medicaid program for home community-based services for their care and, therefore, they could safety remain in their independent home as is common with the Medicaid waiver program. Nancy made this known to Fred. She said that she would have to talk with John's doctor about it. Fred asked Judy if Nancy Frederichs could block a client from leaving the assisted-living facility. In his own words, he said, "...that just doesn't seem right?" In response, Judy said, "It is my agency's stance, as an advocate for older adults that any adult can make their own decision to live where they wish." She further stated, "...that unless a doctor or a court of law, through the guardianship process, says that an adult can no longer make their own decisions, any adult can decide to live as they choose. We all make decisions, some good and some bad, every day. Just because someone is disabled or older does not mean that they cannot make their own decisions." Fred was relieved to hear what Judy had to say on the matter.

What is Judy to do About Scenic Hills?

Judy left her meeting with Fred with mixed feelings. She knew that some of the residents at Scenic Hills were just as unhappy as the people that were coming from Hamilton. Emery Estates, in their business model of completing the rehab project had only done the bare minimum to be ADA compliant. There was, for instance, only one ramp into the entire building. One wheelchair-bound resident at Emery Estates was attempting to get out of her lease because the window locks in her

apartment were too high for her to reach from her chair. Also, there were no door assists to aid with opening the large front doors at the ramped entrance, and the bath tubs were too narrow to safely accommodate a shower chair or transfer bench. Additionally, if there was an emergency and the elevators were not working, how would a resident in a wheelchair get out of the facility safely?

These were some of the issues that weighed heavily on Judy's mind. In previous conversations with Fred, he had stated "...this is independent living," to which Judy replied, "Someone can be independent and disabled." Judy was concerned that Hamilton was overstepping its role by directly contacting the resident's doctors and not supplying the needed rental references. Also, she felt that Preservation was taking people that were not safe in their building in order to get a full census. Of course, all parties to these disputes, including Fred, Nancy, and the residents looked to Judy for intervention and resolution of their problems—especially to take their respective positions.

As Judy left the office, she stopped by to say good-bye to Fred. Fred stated, "Well, I just got off the phone with Nancy from Hamilton. She still has not sent me the references I need for John Zagby's application. I asked for them over a week ago, but to no avail. I told her that Senior Services said Zagby can move if he wants to!" Judy did not respond, and only repeated her goodnight sentiment as she left the building.

Questions and Instructions:

1. What are Judy's personal and legal risks of breaking confidentiality for her clients? Please explain. How could Judy have communicated her organizations message better? Please give examples.

2. Do you think it is ethical to have transparency within a community of professionals working with the same clients, especially in today's climate of partnerships between organizations? What are the implications? Please explain.

Part 2. Proceed only after answering the **Questions and Instructions** of Part 1.

The Principles of Universal Design and the Built Environment

Judy returned to her office the next day and had an unsettled reaction to her last conversation with Fred. She thought about the many older persons she had visited with and counseled over the years and began to mull over in her mind the complaints and concerns they had with being housed in different types of residential facilities that were oriented toward independent living arrangements. As she reflected on the problems that the actual users of rehabilitated structures encountered in their

pursuit of gaining access to affordable, accessible, safe, and suitable independent-living arrangements, she realized that the problems surpassed those presented at Emery Estates. As she began to register the complaints she had received from seniors living in different types of housing, she wondered why those involved in redesigning and restoring buildings for housing purposes were not more aware of, if not sensitive to, universal design (UD) practices that would be mutually beneficial, if not advantageous, for people of all ages and abilities. And, she further contemplated those amenities that would be most suitable for older persons seeking independent living status. Paradoxically, as she reflected on what was best suited for her own charges, she began to think about those features that would not only meet their needs, but would be equally applicable to persons of her own age—indeed, she mused to herself, all ages, circumstances, abilities, activities, lifestyles and stages of life. Then it became crystal clear why her major professor in graduate school repeated what she considered at the time to be a rather glib, if not trite, mantra: "Remember," he would say, "We are all, at best, temporarily abled!"

Now more committed and intent than ever in making a difference in the lives of those she touched on a regular basis, she surfed the Internet looking for resources that might assist her in developing a more complete understanding and awareness of UD guidelines, checklists, concepts, principles, and features. As she sorted through the sundry websites dedicated to UD, she found a surprisingly large number of sites and studies which specifically addressed her own interests in designing and redesigning homes and residences and other facilities for independent living. The literature presented an abundance of suggestions that peaked her interest in the following areas: Floor plans, building codes and standards, assistive technologies, UD, remodeling options, home and residential renovation and remodeling, living designs for all of life's stages, and sustainably and energy efficiency concerns.

Judy Unveils Commonly Occurring Housing Problems for Seniors and Suggested Resources

Judy was beginning to build a better understanding of the multifaceted nature of UD features and built environment. Some of the standard concerns of housing design and rehabilitated structures had become common place in her vocabulary. Armed with a view of the "big picture," associated with UD and independent living, she compiled a list of problems she was told about by seniors living in residential housing. Although her memory failed to recall with clarity every kind of complaint that she had heard, the ones that were repetitively given were easily recalled. She immediately set aside the other things that were flashing through her mind and compiled the following list of problems she was told about by seniors living in residential housing.

1. The width of sidewalks and interior/exterior doors were too narrow to easily and safely accommodate wheelchairs, walkers, and crutches.
2. Inadequate technology in residential units for those with diminished hearing and eyesight.
3. Problems with safely accessing personal care amenities such as bathtubs, showers, sinks and toilets.
4. Difficulties in using cooking, refrigeration, and laundry amenities.

5. Difficulties in opening, closing, and locking windows due to their weights, heights, or designs.
6. Slippery floors which make walking or exercise unsafe.
7. High pile carpeting that makes it difficult to navigate with a wheelchair or walker.
8. Cabinets that are often either too high or too low for safe accessibility and use.
9. Access to decks and other outside spaces made difficult because of heavy sliding glass doors and different levels of elevation.
10. Ramps that are inclined too steeply and often do not have no-slip safeguards.
11. Noise from adjacent apartments that interferes with relaxation, resting, or sleeping activities.
12. Handles on doors, drawers, and cabinets that are not easily turned, pulled, or grasped (round rather than looped design).
13. Insufficient safety alarms for smoke, fire, and carbon monoxide detection in residences.
14. Lack of nonslip surfaces in shower and bath facilities.
15. Kitchen, bathroom, and laundry sinks are either too low or too high with difficult to use faucets.

With her list of common problems in hand, she was prepared to discuss the issues that were most commonly presented to her over the years. She felt that her compiled list would enable her to better represent her clients when she was asked to participate in planning sessions conducted by her own agency—Senior Services. Her list would also help her when dealing with builders, remodelers, developers, construction companies, and architects involved in the rehabilitation of existing historical and commercial structures for housing purposes. As a supplement to her own items of concern, she added some of the websites she felt provided useful checklists and guidelines for designing livable, accessible, and usable facilities for everyone, regardless of their stage of life or ability, housing. Her list included the following suggested websites.

1. Universal Design Living Laboratory [http://www.udll.com]
2. Access for Everyone [http://www.fpm.iastate.edu/accessforeveryone/default.asp]
3. American Association of Retired Persons [http://www.aarp.org]
4. Center of Inclusive Design and Environmental Access [http://www.ap.buffalo.edu/idea/home/index.asp]
5. Toolbase Services [http://www.toolbase.org]
6. Universal Design and Green Home Survey Checklist [http://www.uiowa.edu/legalclinic]
7. Smart Design Livable Homes [http://www.livablehomes.org]

Judy's interest and work experience had taken her down corridors of thought that she would have been unfamiliar with just a few months earlier. She understood that senior housing had changed dramatically during the last decade. She no longer had clients just in skilled-nursing facilities, but increasingly as aging had become a national and international phenomenon, her job took her into the arenas of independent-living, assisted-living, and increasingly, market-rate, and memory-care housing. New concepts in her field were beginning to drive consumer expectations and demands such

as: more luxurious fixtures, furniture, and surroundings; greater accessibility to daily living amenities for shopping, eating, relaxing, and interacting (restaurants, laundry facilities, florist shops, etc.); and the notion of "aging in place within multi-generational communities" with infrastructures geared toward lifelong-learning, advanced age-friendly technology, wellness centers —all this coupled with service and care systems that provide for "one-stop assistance."

Indeed, the world of senior housing had changed and the options that were now available through nonprofit- and profit-based developments went well beyond providing skilled nursing beds and governmental-subsidized housing. Conflicted by her professional values, she wondered if the future would be dominated by free-enterprise and market-rate housing forces. She wondered if Martha Stewart's often repeated adage, "It's a good thing!" applied equally to her profession, clients and affordable and accessible residential housing.

Question and Instructions:

3. Please contact an organization in your own community that provides counseling and referral services similar to those provided by Senior Services. What are the major problems and difficulties which seniors face in your area relative to affordable, safe, comfortable, and accessible housing? Please elaborate.

4. Please contact a residential housing unit that provides independent living for seniors in your community and inquire about the extent to which their rehabilitated or new independent living centers use the latest suggestions and guidelines associated with Universal Design principles. Please be prepared to provide examples of their sensitivity to UD guidelines and practices.

Suggested Resources

1. National Aging in Place Council [http://www.ageinplace.org/]
2. Aging in Place [http://aginginplace.com/]
3. SeniorResource.com [http://www.seniorresource.com/ageinpl.htm]
4. National Association of Home Builders Aging in Place [http://www.nahb.org/reference_list.aspx?sectionID=717]
5. NeighborWorks [http://www.nw.org/network/comstrat/agingInPlace/]
6. Partners for Livable Communities [http://livable.org/]
7. Aging in Place in Multifamily Housing [http://www.huduser.org/periodicals/cityscpe/vol7num1/ch5.pdf]
8. Leading Age [http://www.leadingage.org/]
9. National Complete Streets Coalition [http://www.smartgrowthamerica.org/complete-streets]
10. Fair Housing Accessibility First [http://www.fairhousingfirst.org/]
11. National Multifamily Housing Council [http://www.nmhc.org/Content/ContentList.cfm?NavID=179]
12. Universal Design Specifications and Resident Assessment Tool [http://www.enterprisecommunity.com/solutions-and-innovation/senior-housing/best-practices-and-reports]
13. Assisted Living Federation of America Best of Best Awards [http://www.enterprisecommunity.com/solutions-and-innovation/senior-housing/best-practices-and-reports]

Reprinted with permission, Clute Institute, Meyer, C. K., Laake, W. S., & Geerts, J. A. (2014). "The Senior Housing Shuffle: Connecting Public Policy to Universal Design, Sustainability, Health Management and Aging in Place," Journal of Business Case Studies, 10(4).

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Treated Like Dogs

Margaret McChesney, personnel director for the city of Oakdale, was greatly disturbed after Cranston Hume, an investigative reporter for the *Daily Tribune*, told her that the 250 employees in the Street Maintenance Division were disgruntled and were planning a violent confrontation with officials if working conditions did not improve.

She had heard rumors to this effect but had not realized how extensive the dissatisfaction was until Hume told her of interviews he had conducted at the maintenance yard on three evenings. It was another instance, she felt, of the poor communication between her office, the city manager, the street-maintenance director and the business agent of the American Federation of State, County, and Municipal Employees local: it took a reporter to let one know what was going on. She knew the situation was bad and that publicity would only make it worse.

Her fears were confirmed two days later when the *Daily Tribune* carried Hume's story under an eight-column headline on page one, "Angry Street Workers Predicting Confrontation with City," and continued for almost a full page on the inside.

"The maintenance workers are angry," Hume had written. "They're looking for respect. They want someone—either the city administration or the union to which they pay dues—to listen to their grievances and do something. More than a score of workers interviewed at quitting time at the maintenance yard complained that their supervisors treat them as if they are inmates in a prison or slaves on a southern plantation."

As she read quotation after quotation from workers, McChesney's consternation grew, and nothing that other city officials and the union business agent were reported to have said indicated that they were prepared to handle the situation with understanding or effectiveness.

Some of the more telling complaints of workers appeared early in the story. "They treat us like we are in prison or something," said Wayne North an 11-year veteran of the Street Division. "A lot of people, just hate to go to work when they get up in the morning."

Another worker, Vincent Esposito, said, "They treat all the men—black or white—like dogs. It's just like hell. I hate to walk through that gate in the morning. It's the same for all of the boys."

Minority workers were equally vehement. Joseph Washington, a truck driver, said, "When a black guy gets old, they say either quit or be fired. When a white guy gets old, they keep him on. You go in the yard and look. We've got old white guys all over this place."

A crew worker, Bobby Anderson, agreed, interjecting, "You won't see no old black men around here."

Hester Adams, who said she was fired because she overslept one morning, was incensed over the treatment of women maintenance workers, "I do believe my job was in jeopardy from the very day I started," she said. "From the very beginning they told me I didn't want this job. They said I wouldn't be able to stand the heat. Generally, everybody fears for their job. I know for a fact women will not advance. I was told not to even try."

Many of the men also said there was little opportunity for advancement while working in Street Maintenance. "If you're hired as a laborer, you stay a laborer," said Ernie Devers, an employee of 10 years. "You know, you want to try to better yourself. You don't want to be a laborer all your life. But you have to sneak behind your foreman's back to get a transfer."

"You want to know how you make foreman?" interposed Ben Costello. "Snitching. That's how."

Others complained, in respect to advancement, that the director of the Street Division, Luther Schultz, played favorites. "If you're in the clique, everything is rosy," Matthew McNeil said. "If you're not, you don't stand no more chance of getting ahead than a snowball in hell."

Some complained that promotions were based on oral examinations rather than seniority or demonstrated job skills. "They give an oral test," said Terry O'Hara. "They don't give another test. How can you prove if you passed or flunked?"

Workers considered many of the rules governing the maintenance division as petty and criticized enforcement as inconsistent and unfair. "If you want to go to the bathroom, you have to ask your foreman," said Martin Steinberg, a crew worker. "If he's not there, you ask the crew chief. It he's not there, you get written up."

The news story said that written reprimands and other forms of punishment were given with no apparent adherence to an established policy. Martha Dolfuss, for example, was quoted as saying, "There are no rules on reprimands. One person might be late once and get a reprimand. Others might be late five times and might not get one."

A rule prohibited all maintenance workers from entering stores to buy food or drink at lunchtime or during their twice-daily, 15-minute break periods. Even though, workers complained, foreman ignored this and other rules for themselves while they imposed them on the men they supervised. "The bosses can do anything they want, can go where they want any time," complained George Alfredo. "You've got to get permission to go to the bathroom. If you get a Coke while you're there, you get a reprimand."

"The rule book says 'city employees,'" said Dolfuss. "If foremen aren't city employees, then who is?"

As she read the complaints, McChesney came to realize what most of the workers seemed to feel but seldom were able to express: they wanted to be treated like human beings. One worker, Art Matthews, put it very well, "There's a different set of rules for us than other city employees. We're treated like a bunch of machines. There's no consideration for your personal feelings whatsoever. It's like a war—it's management on one side and us on the other."

Hume's story summed up the situation, "What the Street Division is facing," the reporter wrote, "Is a near-total breakdown in the established system of resolving disputes. No one in management, the workers believe, apparently wants to listen."

McChesney decided this conclusion was borne out in part by comments made by Edward Mayes, city manager, Luther Schultz, street division director, and even Karl Moscowitz, the union agent. They did not say anything strongly adverse about the street-maintenance workers, but they were not particularly favorable either.

Mayes said that frequent complaints by citizens of lazy municipal employees and poor maintenance made it difficult to relax stringent work rules that were adopted to insure efficiency. "You may be inclined to believe the complaints you hear every day about how incompetent and dilatory the people who work for the city are," he said, "in most cases, the complaints are unfounded, but taxpayers have a right to expect people who work for them to put in a day's work for a day's pay."

Schultz belittled the notion that there was a serious labor-management problem in his division. "Any employer that has about 250 people work for him," Schultz said, "is bound to have some personnel problems. Things right now aren't any worse than in the past."

Schultz defended the use of oral examinations in deciding on promotions. He explained that these were used in order not to discriminate against employees who could not read or write well. "We do not mistreat anybody," he continued. "We treat everybody fair and equal. We expect no more than a day's work for a day's pay. If we didn't have strict work rules, there would be chaos."

The union agent, Moscowitz, shrugged off most of the complaints made by maintenance employees. "You should check the work records of some of those employees," he said. "They've got such good benefits they abuse them."

Moscowitz spoke in favor of the work rules, saying that conditions in the past had become so slack that regulations had to be adopted. "I don't necessarily agree with all the things that the city does," he said. "I try to see the employees' side—that's what they pay me for. But I also understand

management's problems. I learned a long time ago that if you don't tell workers when they're wrong, you can get into deep trouble."

Reading a comment by the city manager, McChesney had to agree with him that the union had not been especially active in the workers' defense, because it informed her, as Moscowitz had not, that dissatisfaction in the Street Division had reached the stage of almost open revolt.

The city manager was reported as saying, "The union is there to assure people they have some place to go with their complaints. If they can't talk to their supervisors, they should talk to their union steward. If they can't work with that person, they ought to get a new one."

McChesney had told the *Daily Tribune* reporter of her efforts to improve the labor-management communications, which received a paragraph buried deep in the news article. She had not mentioned that in her efforts she had received little cooperation from other city officials. One of the plans she had proposed was the establishment of "quality circles" in which employees would be given an opportunity to bring up their problems and suggest how they might be resolved. Her fellow managers did not think much of her idea.

She had explained to the reporter that quality circles are small groups of people, ideally seven or eight members of an organization, who perform similar tasks in the same area and who voluntarily participate in regular meetings to identify, analyze and solve quality, productivity and organizational problems. Although conceived in Japan, quality circles have been one of the fastest-growing concepts in the United States in terms of behavioral and managerial applications. She explained that quality circles are used in government, the armed forces, hospitals, insurance, banking, manufacturing and public-utility firms. They are designed to reduce errors and enhance the quality of the finished goods or services. Quality circles promote cooperation and teamwork, increase job involvement and employee motivation, facilitate organizational communication and develop the leadership capabilities of managers and workers.

McChesney had urged that the city try using quality circles, but Mayes, the city manager, had objected that the plan seemed too time-consuming and theoretical. Schultz, the street division director, had said the idea would not work with street-maintenance workers since they would not want to be bothered.

That evening McChesney noted that television news reporters had followed up on the *Daily Tribune's* article with their own interviews with workers at the street-maintenance yard. The workers seemed to be enjoying their moment in the spotlight. She went to bed with some foreboding of how the situation might develop. She knew it would not just go away.

Questions and Instructions:

1. What actions might be taken by officials to ward off an immediate confrontation between the city and the street maintenance workers?

2. What are the responsibilities of the personnel manager in maintaining labor peace? The mayor and city council? The division directors?

3. Do you think that the media publicity about the dissatisfactions of the maintenance workers will make a strike or confrontation more or less likely?

4. There does not seem to be rapport between the Oakdale city manager, personnel director and division directors. Should they work together more closely to detect and prevent such situations as those arising in the Street Maintenance Division?

5. Do you think the quality-circle idea would be successful in solving the problems or worker dissatisfaction? How would you implement such a program? What city office should be in charge of such a program? Should the labor union be brought into the program?

6. What other programs such as employee publications, social affairs, sports programs, and recreation clubs might be introduced to develop better relations between the city and its employees? Discuss and evaluate.

7. What behavioral assumptions underpin participative management techniques and approaches? How do they differ from authoritarian approaches? Explain.

8. Is there anyway of improving the image of unskilled labor jobs in the eyes of the workers and the public?

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What is Right with Rights

by
Travis K. Ouverson and C. Kenneth Meyer

Vernon Phillip earned his reputation as a "good cop" by being connected to the Springfield community in many ways: Boy Scouts leader, civic and social volunteer, member of the American Legion, Parents Teacher Association, church and neighborhood associations and, of course, as a well-seasoned and "trusted" cop. He was, as the locals put it, "A good boy, who done good."

In Phillip's formative years, he earned a B.A. degree in criminal justice studies at the local university, and completed a graduate degree in management and policy. Because of his desire to be successful and have succession possibilities in law enforcement, he felt it was obligatory that he graduate from the Federal Bureau of Investigation's (FBI) National Academy, the FBI's Law Enforcement Executive Development Seminar, and the Senior Management Institute for Police at Boston University. With all of these "needed" requirements punched on his resume, his career on track, and with 19 years of service tucked under his belt, he rose to the rank of assistant chief for the Springfield Police Department. He liked police work and his officer co-workers said, "He wore the uniform well!"

Phillip, however, assessed his career prospects in Springfield and determined that he had basically reached a plateau. The chief was middle-aged and had no intention of retiring—at least not for a decade or so. Phillip, therefore, began to look for a new career and realized that if he were to make a move, he had to do so before he faced the subtleties of age-based discrimination which he thought became palpable at about 50. He discussed the advantages and limitations associated with a career move with his family and found that they were all on board and actually welcomed a new beginning in a new place—that is, if he could become the chief of police in a region of the country that they all valued.

Fortunately for Phillip, he found a vacancy for chief in Mountain View, applied for the position, was hired with the unanimous approval of the city council, and was sworn in, just as the autumn leaves began to reflect their yellow, orange and brown colors. He looked forward to rolling up his sleeves, meeting his new colleagues, and having a long tenure in a region of the country that he said was simply paradise—the most beautiful and picturesque place in the world. However, soon after he arrived, he found that not everything was as idyllic as it appeared. In fact, the Mountain View Department was in a state of disarray and turmoil.

Phillip learned the reasons why his predecessor left abruptly—under a "state of seize." He found, to his dismay, that the command staff was ineffective with several commanders having their own personal agendas and loyal followers. "The 'grapevine,'" he said, "indicated that Mountain View had serious problems of corruption and malfeasance." He knew first hand, however, that two officers had been terminated after being convicted for a serious assault charge stemming from an excessive force complaint. Phillip realized that these types of incidents impacted morale and that the council brought him in to clean house and get the department going "on the straight and narrow."

Phillip, although he exuded a feeling of congeniality and empathy when engaged in casual conversation, was solid to the core and could be "tough as nails" when it was required. He knew his marching orders and nothing would stand in his way of turning the department around and heading once more in the right direction. Accordingly, his first year's assignment was to establish the rules and regulations and enforce them without giving preferential treatment, heightening expectations of staff and sworn officers, and creating and indoctrinating the officers on the mission and vision statement of the department—a task that he was good at and one that he relished performing. He was also thankful that the supervisors in the department had undergone extensive in-house leadership training, and though it was still a "work-in-progress," there were indications that it was beginning to take hold and "stick in their minds."

During the last year or so, Mountain View experienced a crime spree that terrorized the metropolitan community of nearly 400,000 people. No one predicted, nor would anyone have visualized, that a serial killer was loose in their city and that eight young girls in early adolescence, age six through nine, would be abducted from the security of their neighborhoods, murdered and dumped in remote areas around the metroplex.

The *Mountain View Reporter*, the major local paper, spared the citizens from the most gruesome and gory details about the victims—information secured from careful, scientific, forensic examination of their bodies. The profile that emerged was a pitiful one and, the media stated, "If there was ever any doubt that evil lurked in the world, the evidence associated with these calculated, violent, tortuous, dismembered and mutilated murders should cause one to think twice."

Unfortunately, the forensic evidence collected provided no physical evidence that linked a suspect to the dumping sites. Although, in one instance, a witness reported a possible suspect. The description, except for a few characteristics, met the profile of thousands of Mountain View citizens: white, male, average height and weight, dark colored hair, driving a white, grey, or primer grey van of unknown make and model. In other words, the generalness and vagueness of the characteristics noted would prove to be of little use in aiding the police investigation.

This unbelievably scurrilous scourge that had befallen the city demanded and received front-page treatment in the *Mountain View Examiner* every day as if the paper was writing a serial story that had no ending. Of course, the citizenry reacted to the murders as expected and they felt insecure in their persons and homes and wondered when their community nightmare would end. The

newspaper editorials were gentle on the police department at first, but the editors had a tolerance level that would soon be met and they wanted the police to locate and arrest the offender(s) and enable a "new normal" to be felt. As days and weeks went by and no arrest had been made, the editorials increasingly called the competency of the police into question.

Community leaders, neighborhood groups, school officials and people at large asked why the police had not stopped the killing and feared that more deaths would take place if the "monster" struck again. The psychological frenzy could be felt and the citizens were crying out for more open and unfiltered information from the police. They wanted the perpetrator of these hideous acts to face the death penalty, although state law only allowed for a maximum penalty of life in prison for capital crimes such as murder.

No one was more passionate about finding the "sociopathic killer" than the police. The people knew this intuitively, yet they were living in fear and the police were chastised and called to account for what appeared to be their inability to bring the multiple cases to their final dispositions. As one city official stated, "That there has been no resolution of these killings is indicative of the department's investigative and detective skills—their impotency to act with resolution."

The reign of terror went on month after month and did not wear well on Phillip and his corps of officers. Then, when nearly all hope that the suspect would be caught had dissipated, Officer James Tangiers, a new, youthful, inexperienced officer, observed a dirty grey van turn the corner in front of his patrol car. Tangiers was in direct eyesight of the driver of the van, but it was only fleeting and the male driver quickly looked away. Perhaps it was a hunch, a feeling, or intuition, but Tangiers followed the suspicious vehicle for a block or so, and stopped the panel van with no windows on the back doors. Cautiously, he approached the vehicle, and asked the young man for his driver's license and for the vehicle registration card—both were found to be in order.

The driver, John Garvey, appeared to be nervous, however, and when Tangiers asked if he could inspect the van's interior he was given a firm, "No." In compliance with departmental protocol, Tangiers ordered Garvey from the vehicle and placed him in the back seat of his squad car. With Garvey secured, Tangiers returned to the van, opened the door and under the front seat, out of sight unless one actually looked under the seat, he saw a hatchet—one that appeared to be dirtied by hair and blood fragments.

Tangiers immediately reached for the ax, secured it, and radioed his supervisor, Sergeant Roland Welch,. When Welch arrived, jointly they returned to the van, opened the front, then the back doors, and were shocked to find a seven year old girl, bound with duct tape, unconscious, but breathing and still alive. They had stopped Garvey from killing yet another girl—the eighth in a series of deaths. They also discovered other pieces of physical evidence and what appeared to be biological evidence in the van. Returning to the patrol car, they confronted Garvey and, surprisingly, he gloated about killing the girls and others.

Tangiers had earned his "stripes" that day and Phillip and Welch congratulated him on arresting Garvey and commended him for his professionalism. The evening was filled with an adrenaline-high and Tangiers filed the official report that showed that Garvey "was stopped and arrested for a broken tail light." In police jargon, this meant it was a pretext arrest—a legal tactic in the state. However, Tangiers further wrote, "upon further inspection, a weapon, evidence, and the eighth victim was found in the van."

The *Mountain View Reporter* lionized the Mountain View Police Department for its acumen in crime fighting, praised Phillip for his dynamic leadership, and spoke about a new day for a competent and excellent police organization. Legal pundits predicted the case was a "slam dunk" and that Garvey, although innocent until proven guilty, would be brought to justice. Others in the community heaped praise upon the police, and one could figuratively hear the city "sigh with relief." Finally, after months of fear and uncertainty, the community could return to normal—but for Mountain View it would surely be a new normal.

Garvey was quick to "lawyer up" and the defense filed a motion for an insanity defense. Garvey was interviewed by the state's expert psychologist and found to be a predatory sociopath—one who was aware of his actions. The prosecutors gave little hope to the insanity defense and as veteran lawyers, they had no fear that this case would be compromised. The prosecutors, however had more things to do: they conducted an AFIS check of Garvey using his fingerprints and FBI responded that his real name was George Hancok and that he had a previous arrest for aggravated sexual assault in another state, but there was no record of a conviction. Subsequent investigation showed that Hancok was found not guilty due to a procedural technicality in the trial process and was released from the charge, at which time he changed his name to Garvey and relocated to another state. The prosecution checked with other jurisdictions to check on crimes that bore similar modus operandi to those Garvey was charged with committing in Mountain View.

Phillip was delighted that a suspect was in custody and temporarily basked in the praise that was showered on his agency. Yet, there was a nagging question in the back of the chief's mind that the sequences of events as reported by Tangiers were incomplete. The chief was walking to the evening watch office when he overheard part of a conversation between Welch and Tangiers. He heard Tangiers speech tail off with "…till you broke it, Sarge."

To which Welch retorted, "Don't worry rook' ain't nobody gonna know different. The maggot is in jail and that is all anybody cares about. You're a hero. Kid, it's just between you and me! Understand."

As Phillip rounded the corner of the watch office, he had full-eye contact with both officers. Tangiers offered what appeared to be a sheepish look and Welch just smirked at the chief and went about doing some "urgent paperwork" that was scattered on his desk.

When the chief returned to his office, he took out the case report on Garvey's arrest and read it once again with a suspecting eye to its completeness and veracity. From the beginning, Phillip thought the report was a little-too antiseptic and straight forward. He wondered if the traffic stop and subsequent search met all of the requirements for "probable cause." If this standard was not met, then all evidence gained from the illegal search would be inadmissible in court. In addition, he understood the defendant's Fourth and Fifth Amendment rights under the Constitution and that they could not be abridged. Also, as he continued to roll over the sequence of events and the issues involved in the case, he knew that all evidence gained after an illegal stop would be suppressed as it was the "fruit of the poisonous tree," and excluded from being brought to trial. He mumbled to himself in near audible levels about the quandary he faced. If the van had a broken tail light, that would constitute probably cause—sufficiency for the pretext arrest and custody of Garvey and search of the vehicle.

His doubt and suspicions lingered and he began to wonder if Sergeant Welch, the more experienced and politically savvy of the two officers, had fabricated the probable cause by personally smashing the tail light after Tangiers realized that his custody and search was extra-legal and in jeopardy. Phillip had been around the horn and lived by the axiom of "measure twice and then cut," and knew of "weapon throw downs" that were later discovered and revealed.

Several days passed and Phillip asked Tangeirs to come to his office. He told Tangiers that he wanted to talk to him about the night that Garvey was arrested. Immediately, Tangiers asked if he was the subject of an internal investigation and Phillip told him he was not, but that he had some personal doubts or misgiving about the stop and search. During the discussion there was some give and take and Tangiers told the chief that he, "stood by his report," and if there were to be further questions, he requested the presence of a union steward and that he be advised of his rights under Garrity. The meeting, although informal at the beginning, had ended on a formal note, and the chief dismissed Tangiers without further questioning. The chief stirred around with the papers on his desk, and then nervously left his office and walked down the hall and passed Welch who appeared to have a knowing smirk on his face, but he remained stone silent.

Upon returning to his office, Phillip thought about his options. He was now more certain than ever that the arrest lacked the appropriate probable cause need to be a legal arrest. He also knew that only he would be able to prove this, by initiating an internal affairs investigation into the actions of his two officers. However, in doing so, the information would have to be released to Garvey's defense attorney, under the rules of discovery, who would certainly use this "gem of information" to once more garner a release of his client, and the evidence would be suppressed since it was ascertained in violation of the defendant's civil rights. Of course, the end result would embarrass the police department—and it would once more become the target of ridicule, shame and charges of corruption and malfeasance.

The public would also be heard as it "roared aloud" about the violator being set free on a technicality, and there would be ample evidence to support a lawsuit for violation of Garvey's civil rights. Those charged in the lawsuit would at least in Phillip's mind be himself, Welch, and Tangiers.

They would be sued, among other charges, for failure to properly supervise, and Garvey would be set free. The chief thought that if these things were true, Garvey would probably set-up shop elsewhere in the country and repeat his reign of terror.

Phillip often remarked that "Nothing in life worth a pinch of salt is easily accomplished." He knew the law and was sworn to uphold it. He knew what was right and wrong in his heart, and had to follow his own conscience. He had read *Character and Cops: Ethics in Policing* by Delattre and even had him as an instructor. He had effectively learned and had internalized the notion that the "ends does not justify the means."

As Phillip reflected, he wondered if there ever was a situation where the good to society can outweigh an ethical indiscretion or oversight? He asked himself, "Does Garvey deserve to have his rights on such a small infraction when he has forever ended the rights of so many other innocent persons? And, what effect would the dismissal of this case have on the morale of his officers?" Phillip had spent the last year trying to change the organizational culture of his department and tear it away from the causal errors that were all too frequent before his arrival, and move it to a legacy of honesty, integrity, and dutiful performance of a high quality.

Chief Phillip believed he was faced with the classic prisoner's dilemma. If he silently condoned this illegal arrest it would be opposite to his own vision and expectations of how professional officers should behave and his hypocritical response would spread throughout his entire department. "Yes, yes," he muttered as he leaned back in his leather chair and stared at the ceiling. "What's next?"

*[This case is fictional in nature and based on the premise of an ethical problem presented for police supervisors at Northwestern University. Many of the conflicts are contrived in order to highlight the complex, multifaceted ethical dilemmas that "the thin blue line" may encounter professionally. Because of the egregiousness of the situations embedded in this case, competing ethical, moral and constitutional values must be carefully weighed.]

Questions and Instructions:

1. What are the major facts of this case? Is there any dispute among the class as to what has taken place in Mountain View? Please explain.

2. What legal considerations are at play in this case? What rights does Garvey have?

3. What is the Garrity Case about? Please research and explain to your classmates.

4. Is Chief Phillip too worried about the simple notion that the "ends should not justify the means?" Are there other ethical criteria or models that might lead Phillip's to pose another set of questions? Please explain.

5. In the final analysis, what is the chief to do? Please take and justify a position.

6. What rationale would you use if use the ethical premise that Chief Phillip's should do what produces the greatest good for the greatest number? Explain. Would this maxim lead to a different result than the ends-means standard? Please explain.

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What Questions are Lawful or Unlawful?

by
C. Kenneth Meyer, Susan Brady and Stephan Clapham

Larry Shapiro had a penchant for detail and precision. Around the state department of human resources he was known as being pedantic and somewhat erudite. Of course, no one ever told him as much to his face. Rather these remarks were the fodder of lunch room "chit-chat" and "spontaneous staff meetings" that coalesced around the hallway water cooler. Shapiro, however, would not have been personally offended by being labeled erudite and his flair for the use of the English language, spiced with Latin phrases and romantic French words was well known.

Larry Shapiro had worked diligently on building a "powerful vocabulary" and he felt it symbolized the mark of a truly educated person. Of course, he also was quick to add, that pedantry can impede effective communication, especially when polysyllabic words are used inadvisably or inappropriately. For instance, as it was affectionately retold by a friend, a colleague told him he was being too meticulous! Not to be offended when his colleagues would raise or roll their eyes in disbelief that he had reached for and found a word or phrase that they may never have heard of before—especially a word that was rightfully placed into a complex, compound sentence—he would politely respond, "Do you mean to say that was I was being assiduously meticulous?" He knew that his personal, idiosyncratic demeanor projected an ambiance of sophistication, but deep into the marrow of his bones his colleagues trusted him and valued him as a capable leader and team player.

Shapiro had a different agenda today. He had been given the task of preparing the members of his team for the peer interviews they would be conducting later on in the afternoon. The human resource department had scheduled three interviews to be conducted with prospective employees for the position of Information Systems Analyst, State Office of Education. As such, Shapiro had fully prepared himself for the task that he had been assigned, and went online and researched the kind of questions that would be within the permissible legal parameters surrounding the interviews. He knew he had been given a daunting task. In the past, he had listened to his co-workers inquire about the personal and familial attributes of the potential incumbents. He wanted to make certain this scenario was not replicated.

In the midst of researching the various nuances and legalisms that surrounded or accompanied the interview process, he thought that this might be best accomplished if he prepared a illustrative Application Form and ask the team to determine, utilizing the job description for the

Information Systems Analyst position, as a point of reference (see **Exhibit 1**), which were appropriate and inappropriate, lawful and unlawful questions that might be fielded.

Upon meeting with his group, he passed out the job description, explained why he had been asked to facilitate a pre-interview training program, and then passed out the application form (See **Exhibit 2**). He asked his co-workers to seriously reflect on the type of questions that would be within bounds and identify a minimum of five questions that they thought would be inappropriate and another five questions that they considered off-limits. He also asked them to think about the type of additional questions that might be asked that would improve the Application Form. Due to time constraints and the fact that he wanted to have time for questions and discussion, he limited the individual assessment to ten minutes.

When the ten minutes were up, he went to the large "Post-It" papers that he had attached to the walls of the training room, and asked for their feedback. He had previously labeled the sheets with the following categories: Essential Attributes of the System Analyst Position; System Analyst Desired Qualification; Most Relevant Questions; Least Relevant Questions; Unlawful Inquires; and, Additional Appropriate Questions.

Questions and Instructions:

Exercise: Please use an assessment technique similar to the one devised by Larry Shapiro for his team members, or one that you feel would "more" appropriately enable you to satisfy the training objective. Provide the class with a similar set of instructions, not unlike those that Larry provided. Limit the assessment to ten minutes and then have your class members report what they have discerned. In preparation for this exercise, it is important that you have personally researched the many questions found in **Exhibit 2** (The Application Form) and be prepared to indicate their lawfulness. In the final analysis, identify those questions that were most relevant to the position; those that were least important; those that were unlawful; and those that "should have" been asked.

Solution Verification: Upon the completion of the assessment exercise as detailed above, ask your colleagues to refer to **Exhibit 3, Summary Guide to Application Pre-Employment Questions**.

In these appendices, a compilation of the numerous laws of the United States as interpreted by the U.S. Equal Employment Opportunity Commission (EEOC), and the State of Iowa Constitution and statutory laws as viewed by the Iowa Civil Rights Commission (ICRC), are presented. In both instances, a brief description of the enabling legislation that prohibits discrimination is presented, whether it is Title VII of the Civil Rights Act of 1964 (gender, race, color, religion, or national origin), the Age Discrimination in Employment Act of 1967 (ADEA), Americans with Disabilities Act of 1990 (ADA), and so on, or the Iowa Civil Rights Act (ICRA) that prohibits discrimination on the basis of age, race, creed (religion), national origin, disability, or sexual orientation and gender identity. As such, clarity is given to those questions that often appear on application forms and are

raised during the interview process. It should be noted that unlawful inquiries can largely be avoided if questions deal with the applicant's education, experience level, knowledge, skills, and abilities that relate to the actual job. Generally, if the employer cannot objectively demonstrate that the question is related to successful job performance, it should be avoided!

The appendices are informative on inquiries related to age, arrests and convictions, reference and background checks, polygraph examinations, childbirth and pregnancy, citizenship and immigration, disability and health, and a myriad of other topics. *Note:* These documents only pertain to the state of Iowa and you may, if you think it is more appropriate, use the specific laws of your own state in completing this exercise.

Verification:

1. What questions did your colleagues identify as problematic as shown in **Exhibit 3**?

2. Which questions were correctly identified by the group as discriminatory? Please make a list.

Exhibit 1. Job Description: Information Systems Analyst: State Office of Education

CLASSIFICATION TITLE: Information Systems Analyst
DEFINITION
Under general direction acts as a lead to develop, design, document, maintain, evaluate, support and provide problem resolution for computer systems applications; performs a variety of technical and analytical services for business, finance, payroll and personnel departments; analyzes, evaluates and trains users on mainframe computer system; performs other related duties as assigned.

DIRECTLY RESPONSIBLE TO
Appropriate Administrator

SUPERVISION OVER
None; however, may lead, train, and provide assistance to other staff.

DUTIES AND RESPONSIBILITIES (Any one position may not include all of the listed duties, nor do all of the listed examples include all tasks which may be found in positions within this classification.)

Information Systems Management

Develops and produces physical design of databases based upon logical data models by employing program and business requirements and analysis; works closely with system users to ensure information system strategies are aligned with business, finance, payroll, and personnel needs; researches and develops database administration; coordinates and aligns information systems with user objectives; develops and reviews standards and procedures regarding business, finance, payroll, and personnel systems; troubleshoots and resolves issues with software functionality; performs technical adjustments and installs technical updates to system; maintains, analyzes, evaluates and updates database integrity and security settings; maintains detailed accounting of users and security access to system software; audits, modifies, and amends data in systems; monitors and reports on system usage.

Training and Technical Assistance

Provides technical direction to users; formulates, assists and supports users with application training and technical support; sets up and maintains users on mainframe computer system including creating and maintaining all facets of software functions for users; creates, assembles, and distributes procedure/training manuals and materials to users; sets up processes and procedures, and assists users in implementing new system modules; reviews, evaluates and implements recommendations for improved methods or procedures; plans and implements departmental processes and projects.

Office Operations/Data Reporting

Monitors and reports to management any deviation from procedures or policy; oversees and manages multiple concurrent projects; supports internal operations, budget management, and project planning; supports existing products and services by acting as an agent for problem and operational issue resolution; establishes and maintains a variety of file systems; reviews user requests and requirements; organizes and analyzes material for efficient reporting and retrieval; assists users to retrieve data from system; develops procedures, forms, and other organizational tools to implement and manage office automation used in the department; plans and prepares correspondence related to all facets of the position.

MINIMUM QUALIFICATIONS

Education, Training and Experience

Any combination of education, training and experience equivalent to possession of a Bachelor's degree that demonstrates the ability to perform the duties and responsibilities as described. Experience in school district, county and/or state office business, finance, and payroll and personnel information systems; experience using various computer software and networks.

Knowledge of:
Utilization and purposes of management information systems; personal computer hardware and software; principles of office automation systems, basic principles of computer system analysis, principles of organization; common office procedures and practices; advanced knowledge of school district/county or state Office of Education business applications and office procedures and practices.

Skill and Ability to:
Communicate effectively in both oral and written forms; explain technical concepts in non-technical terms; research and problem solve inquiries; demonstrate initiative and work independently with a minimum of supervision; work under time constraints to meet deadlines; set priorities, and make decisions on a variety of complex matters; organize, schedule, and coordinate a variety of activities and projects; establish and maintain cooperative working relationships with those contacted during the course of work; research and evaluate office computer applications and information systems software; learn new software and hardware packages and adapt to changes in technology; retrieve data to prepare documents, and produce a variety of reports from the database.

Other Characteristics
Possession of a valid state driver's license, and willingness to travel using own transportation with mileage reimbursed.

Revised and approved by the Personnel Commission on 1/13/2009.
Department of Education
An Equal Opportunity Employer/Program
Employment Application: Information Systems Analyst

Exhibit 2: Application Form

Applicant Personal Information

Last Name	First		M.I. Date
Street Address		Apartment/Unit #	
City	State		ZIP
Phone	Email Address		
Date Available	Social Security No.	Desired Salary	
Position Applied for			

Time available to: Day ☐ Evening ☐ Night ☐ Combination of shifts ☐ Application is for: Full-time ☐ Part-time ☐ Labor – no benefits

Gender: Male ☐ Female ☐ Race (optional): Age:

Are you a United States citizen? YES ☐ NO ☐ If no, are you authorized to work in this state? YES ☐ NO ☐

Have you ever worked for this state? YES ☐ NO ☐ If so, when?

Have you ever been convicted of a felony? YES ☐ NO ☐ If yes, explain

Marital Status: Married ☐ Single ☐ Divorced ☐ Separated ☐ Domestic Partner ☐ Widowed ☐

If single, do you plan to have a family in the future? YES ☐ NO ☐

If you have children, what child care arrangement will you make? Please be specific.

If you are married, where is your spouse employed?

What names if any have you worked under (AKA;

Are you legally able to work in the United States? YES ☐ NO ☐

Are you available for work? Full-Time ☐ Part-Time ☐ Shift Work ☐ Seasonal Work ☐

May we contact your former employers to verify this information? YES ☐ NO ☐

May we contact your present employers? YES ☐ NO ☐

Please complete this personal data section by including a 1½" by 2" recent photograph.

Note: Federal and state law prohibit discrimination in hiring due to race, color, creed, age, gender, national origin, religion, disability or veteran's status

Please provide any additional information about your abilities or interests that makes you a good candidate for this position:

_____

_____

_____

Education and training

What is the highest grade you completed? 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12 ☐ GED ☐

Have you earned any certificate or academic degrees? No ☐ Yes ☐ If yes, please provide the information solicited below.

College Address

From To Did you graduate? YES ☐ NO ☐ Degree

College Address

From To Did you graduate? YES ☐ NO ☐ Degree

College/Other Address

From To Did you graduate? YES ☐ NO ☐ Degree

Have you earned any professional licenses or certificates? No ☐ Yes ☐ If yes, please provide the information solicited below.

Profession: Issued by: License or certificate name:

If multiple licenses or certificates, provide added information on appendix page.

Have you ever had your professional license or certificate revoked, suspended, or limited in any way? No ☐ Yes ☐

If yes, give the reason for the disciplinary action:

Previous Employment

Begin with your most recent employer or present employer; then account for all the time during the last ten (10) years. Be sure to include, if applicable, any period of unemployment and all unpaid work done. Additional pages may be appended to this application as needed. Reason for leaving may include voluntarily quit, termination, health or disability reasons, among many others.

Company Phone ( )

Address Supervisor

Job Title Starting Salary $ Ending Salary $

Responsibilities

From To Reason for Leaving

May we contact your previous supervisor for a reference? YES ☐ NO ☐

Company Phone ( )

Address Supervisor
Job Title Starting Salary $ Ending Salary $
Responsibilities
From To Reason for Leaving
May we contact your previous supervisor for a reference? YES ☐ NO ☐
Company Phone ( )
Address Supervisor
Job Title Starting Salary $ Ending Salary $
Responsibilities
From To Reason for Leaving
May we contact your previous supervisor for a reference? YES ☐ NO ☐
Did you ever collect unemployment insurance while working at any of these organizations? YES ☐ NO ☐
Did you ever utilize worker's compensation benefits for injury(ies) sustained while working for any of these employers? YES ☐ NO ☐
If yes, how much and over what time were you paid?
Was this the first time you collected unemployment or worker's compensation? YES ☐ NO ☐
What is the lowest salary you would be willing to accept?

Military Service

Branch From To
Rank at Discharge Type of Discharge
If other than honorable, explain

Specialized Skills, Training, Abilities and Knowledge

List the special areas in which you have highly developed skills, abilities, training, and knowledge. This may include knowledge of languages, computers, specialized equipment and laboratory techniques, etc. and technical machinery.

Organization membership or affiliate

Name: **Membership Date:**

Address:

Name: **Membership Date:**
Address:

Family Information
Names of children:
Ages:
Maiden Name if applicable:

Employment Agreement and Understanding Disclaimer and Signature
The information provided here for employment purposes is true and any misrepresentation or omission of facts may be grounds for denial or termination of employment (if hired) at the time it is discovered. This is an at-will employer and you or the employer may terminate the employment at any time for good or bad reason and with or without cause. Upon completion of this application, submission to drug and alcohol screening is required. I authorize the organization to check my work references, personal references and obtain any and all information requested and waive my rights and release these individuals from liability. The same standard applies to checking my background for any and all arrests and convictions.

Signature _____ Date _____

Exhibit 3. Summary Guide to Application Pre-Employment Questions*

	ACCEPTABLE	INADVISABLE**
1. Age	Whether candidate meets minimum legal age requirements for the job.	Age, date of birth, any inquiry aimed at identifying age or excluding persons of a particular age (e.g., high school or college attendance, graduation dates, what are your retirement plans, how long do you plan to work, how can someone so young handle this job?)
2. Arrest Records	None. (For convictions, see No. 5)	Number and kinds of arrest.
3. Availability for Work on Weekends, Evenings	If asked of all applicants and is a business necessity for the person to be available to work weekends and/ or evenings.	Any inquiry about religious observance, child care, inquiries directed only to persons of one sex.
4. Citizenship, Birthplace & National Origin	The only legitimate concern here is whether the applicant is eligible to work in the United States, under Terms of the Immigration Reform and Control Act of 1986. There is a fair and advisable way to obtain this information. The best approach is to ask: Are you EITHER a U.S. citizen OR legally authorized to work in the United States? The "Yes" or "No" answer that follows provides all needed information while not disclosing citizenship or national origin information.	Birthplace, national origin, ancestry, or lineage of applicant, applicant's parents, or applicant's spouse.
5. Conviction Records	Inquiry into convictions if job-related. Include disclaimer stating that conviction does not automatically bar candidate, depending on the job, time, nature and seriousness of the conviction and related rehabilitation.	Any inquiry about conviction unrelated to job requirements.
6. Creed or Religion	None, except where religion is a bona fide occupational qualification.	Applicant's religious affiliation, church, parish, or religious holidays observed.

	ACCEPTABLE	INADVISABLE**
7. Credit Records/ Finances	None, unless job-related.	Inquiries about charge accounts, bank accounts, car and home ownership, credit rating, garnishments, fidelity bonds, etc., that do not relate to performing the particular job.
8. Disability	Whether applicant can perform essential functions of the job, with or without accommodation.	To ask applicant if he/she is disabled and/or to list illness or disabilities or any inquiries that elicit information about disabilities or health, e.g., "Do you have any medical limitations that would prohibit performance of this job? How many sick days did you use in your last job? Have you ever sought treatment for a mental condition?"
9. Drinking	May ask if an applicant drinks alcohol or has ever been arrested for driving while under the influence.	Any questions that could elicit information about alcoholism, which is a disability.
10. Family Status	Whether applicant has responsibilities or commitments which will prevent meeting work schedules, if asked of all applicants regardless of sex.	Marital status, number and age of children, spouse's job.
11. Height & Weight	None, unless job-related.	None, unless job-related.
12. Language	Language applicant speaks or writes fluently, if job-related.	Language used by applicant or family members at home, or how applicant acquired the ability to read, write, or speak a foreign language.
13. Marital Status	None, other than if candidate can meet work schedule of the job, whether candidate has activities, responsibilities, or commitments that may hinder work requirements. (Should be asked of both sexes.)	Whether applicant is married, single, divorced, separated, engaged or widowed.
14. Military Service	Military experience or training, or education.	Type or condition of discharge, unless it is the result of a military conviction.

	ACCEPTABLE	INADVISABLE**
15. Name	All previous names used by applicant.	The original name of an applicant whose name has been legally changed or the national origin of an applicant's name.
16. Organizations	Applicant's membership in professional organizations if job-related.	All churches, clubs, social fraternities, societies, lodges, or organizations to which an applicant belongs.
17. Photographs	None except after hiring.	Photograph with application or after interview, but before hiring.
18. Pregnancy	None.	Any inquiry into pregnancy, medical history of pregnancy or family plans.
19. Race or Color	None.	Applicant's race or color of applicant's skin.
20. References	Name/s of references.	Name of applicant's pastor or religious leader.
21. Relatives/ friends	Names of applicant's relatives, friends already employed by employer if employer has assignment policies, practices related to friends, relatives and/or an anti-nepotism policy. Employer may not give preference if women and minorities are underrepresented in its workforce.	Names of relatives, other than those working for the company, names of friends, relatives working for a competitor.
22. Sex	None, except where sex is a bona fide occupational qualification (BFOQ).	Any inquiry except where BFOQ.
23. Sexual Orientation/ Gender Identity	None, except for the narrow exceptions specified in the law.	Any inquiry except for the narrow exceptions specified in the law.
24. Workers' Compensation	None.	Past workers' compensation claims.

*Permission to use "Summary Guide to Application Pre-Employment Questions" excerpted from *Successful Interviewing Guide* granted by the Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209, www.iowaworkforce.org and Iowa Civil Rights Commission, 400 East 14th Street, Des Moines, IA 50319-1004, www.state.ia.us/government/crc.

** These are questions considered inadvisable, and in some very limited instances, illegal on their face, by the U.S. Equal Employment Opportunity Commission and the Iowa Civil Rights Commission.

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When the Past Comes Calling

by
Carol Sipfle and C. Kenneth Meyer

The County Medical Center* (CMC) is a tax-supported quasi-governmental hospital located in one of the largest cities in the state. County Medical Center has 28E agreements in place to provide ambulance and paramedic services for each community in the county. The hospital is situated on nearly 60 acres of wooded property. The striking view from the hospital balcony displays a large river in the distance. Over the years, the Straight River, as the old-timers affectionately call it, carved a meandering riverbed as it flowed through the heart of the business, finance, and housing districts of the city. CMC is housed in a facility of major historical and architectural interest, and like so many other public buildings and spaces built during the early part of the 19th century, it stands as a magnificent structure when viewed against its quaint, yet picturesque background.

As a public hospital, its mission is to provide inpatient and outpatient care to individuals in Lincoln County, the state's most populated county. Additionally, the hospital sponsors a family practice residency program, provides inpatient and outpatient mental health services, and offers dental care for its patients. More than half of the patients at CMC are indigent and unable to pay for medical care. While county tax revenue pays for a portion of the uncompensated care, CMC faces a reoccurring budget deficit—especially during a time of tight budgets, and increased local unemployment. Making matters more difficult, the economy of the county swings easily from growth to no-growth status. To say that management had to live within their means, and deal with the vicissitudes of a tight budget, and an environment of scarce economic sources, would be an understatement, but one that is all too commonly the case for publicly-funded county hospitals in the United States.

In the mid-1990s, when the cellular telephone industry began its rapid ascent economically, the hospital was presented with a unique opportunity for a new source of much-needed revenue. Since the hospital is positioned on the highest natural point in the city, it was viewed as an ideal location for cellular phone companies to build a monopole—commonly known as a cell phone tower. The hospital became a "siting magnet" for potential monopole construction, and before long, the hospital administration was approached by at least three companies who wanted to build cell phone towers on the hill, if the hospital would enter into a lease-use agreement with them.

After a series of meetings with Mobile Call, CMC granted Mobile Call's permission to build a tower on the hospital's property. The tower was quickly erected on the highest point on the

property—land that was not used by the hospital due to its rough terrain and general inaccessibility. The construction of the cell phone tower was viewed as a win-win situation for all parties. Mobile Call was authorized to build the tower on the highest hill in the city, thereby greatly improving the reception and transmission capabilities for the company, and increasing the level of satisfaction of its rapidly growing customer base. Likewise, the new lease enabled CMC to utilize some of its unused property, garner the much needed additional annual revenue of $60,000, and simultaneously retain ownership of some valuable prime property. When the hospital administrator discussed the lease agreement with the publicly elected hospital board of trustees, she was quick to point out how the contract would affect the bottom line. The contract was further idealized since CMC assumed no additional cost or liability for the tower, plus it billed Mobile Call each year for utilities, maintenance of the tower location, and its access road.

Shortly after Mobile Call's tower was completed, John Norton, the company's archeological consultant, requested an emergency meeting with Robert Farmer, the hospital's director of facilities and risk management. As Norton and Farmer toured the area adjacent to the tower, Norton explained that the tower was built on an ancient Indian burial mound. He had personally collected artifacts including pottery shards and a pointed tip of a projectile, and presented them as evidence of the burial mound. Norton, a man who was not prone to exaggeration or drama, was almost certain the entire mound had been completely destroyed because the concrete piers that formed the base for the tower's foundation were dug at least 20 feet below the ground's surface. Interestingly, as they walked across the scenic hill, Norton was able to direct Farmer's attention to what he believed to be another burial mound, but it appeared to be undisturbed except for the mowing that occurred on its surface.

Farmer looked into Norton's eyes and said, "We have observed today what is fortunate and unfortunate. Fortunate in the sense that further damage to the mounds can be avoided, and unfortunate since so much damage has already been inflicted. It's too bad that this archeological site was not more clearly identified on the map of the hospital grounds, and that your company did not follow the 'rules of the game.' I believe we have the makings of a major problem to deal with now!"

Farmer remembered his recent visit to the Hawaiian Island of Oahu and having read in the local paper about the seriousness of dealing with ancient Hawaiian human remains that periodically get uncovered when excavation projects for new roads, trenches, bridges or buildings are constructed or when the ground is disturbed. He also discovered that The Native American Graves Protection and Repatriation Act required that human remains be returned (repatriated) to legitimate claimants such as the Native Hawaiian Association. This was a particularly important piece of legislation since historically-native Hawaiians were likely to be buried in such diverse locations and areas that later on as the island grew in population, it became attractive for sundry developmental purposes. Interestingly, he read, by ancient custom, burial had to be done at night with lighting provided by torches and the full moon. Human remains were placed in muslin cloth and put in *lauhala* baskets where Ti leaves and Hawaiian salt were used as part of a cultural offering.

He also discovered through his many discussions with native Hawaiians, that the *lauhala* baskets were made from the leaves of the *hala* tree or the "screw tree" as the locals called the tree. The leaves are tough and flexible, in abundance in the Pacific Islands and are naturally beautiful and often seen today in the weavings of fruit and gift baskets. Of course, there is a legend that is told of the goddess Pele (of the hot volcano) who came to the island, got tangled up in the *hala* trees, angrily ripped them out of the ground, tore them into hundreds of small pieces and threw them as far as she could—ensuring of course, that the island would be thoroughly populated with the screw pine. Anyway, he learned that the uncovered human remains are reburied (reinterment) by the Native Hawaiian Organization that also conducts the ceremony according to tradition, that only the males are permitted to handle the remains and conduct the burial rituals. He further learned while in Honolulu that under the National Historic Preservation Act a federal agency is required to mitigate any effects on historical remains, such as burials.

As both men turned around and began their descent from the hill, Norton explained that Mobile Call had failed to comply with applicable state and federal laws **(see Exhibit 1)** that require all "virgin" land to undergo an archeological survey before it is disturbed in any way. In turn, Farmer expressed concern that CMC might share some of the responsibility for failure to comply with applicable laws historically, and pointed his hand toward evidence of an old, unused bocce ball court and set of park benches that they had just walked past. Norton continued to question whether the tower construction had truly disturbed the "virgin" hospital grounds, especially since they had just witnessed the presence of other construction sites near the new tower.

"Regardless of who was responsible," Norton informed Farmer, "...we can clearly see that a mistake has been made.

Norton wondered if it would be serious enough to be treated as a criminal offense. It was crystal clear that Norton had to let Farmer know that he was going to contact not only Mobile Call, but also the state's Indian Advisory Committee and the Office of Archeological Survey to see what, if anything, needed to be done. Marietta Bear, a Native American and chair of the Indian Advisory Committee, was assigned to work with CMC and Mobile Call and do what was needed to resolve a touchy situation.

The initial meetings that Bear had with Farmer, Norton and Bill Cutler, a Mobile Call representative, did not produce positive results. Bear, a woman who was not easily amused by the typical chitchat that managers normally engaged in while waiting for a meeting to come to order, dealt with this type of problem before, and was fully conversant with the rules, regulations and laws of the land. She confidently looked at her watch and called the meeting to order. She wasted little time getting to the main topic on the agenda and she summarily reviewed the problem, the new construction site, and chastised both parties for being unaware of the laws governing virgin land. As she directed her remarks at the assembled group, they began to look at one another rather sheepishly, and Norton and Farmer raised their eyebrows and winked at one another as she began to warn them

that the spirits of the individuals buried at the site would be unhappy and this might bring bad luck to the hospital or Mobile Call.

The cultural differences that existed between Bear and the others in the room made the meeting an uncomfortable one. The tension that filled the air was almost palpable; especially when she talked about what white men had historically done to the cherished values and beliefs of indigenous populations in America.

As Farmer told Norton after the meeting, "It's really bizarre to see an Indian woman fully clad in native attire, seek guidance from the ancestral spirits in an effort to solve a present day business problem. What has this world come to?"

Several months passed since the somewhat "spirited" meeting with Bear, and the tenor and tone of subsequent meetings became more relaxed as she met periodically with representatives of Mobile Call and CMC. Despite what some felt were Bear's unconventional ways, she conveyed a sense of understanding and empathy toward the hospital and the cell phone company. She often stated, however, that the problem was one of their own making, although she recognized how this dilemma could happen.

Bear conducted extensive research on the site and learned that the burial mounds were probably created around the Middle Woodland Period, approximately A.D. 500-700. She felt that Native Americans would have selected the hill because it was near a river and also the highest natural point for miles. She also stated that because it was the highest hill, this location would have facilitated communication to other tribes via smoke signals. Representatives of the hospital and Mobile Call found it both ironic and fascinating that the same high hill that had served as a desirable spot for communication purposes between tribes some 1500 years earlier, was now seen by another civilization as meeting modern day electronic communication requirements.

Marietta Bear also believed the discovery of the burial mound potentially had major historical importance. During the Middle Woodland Period, it was believed that a large Midwestern Indian tribe had been displaced and historians had not "unearthed" their place of relocation.

"Because of the uniqueness of the location, it was possible, that the location of the lost tribe had finally been discovered," Bear said.

She also told how the burial mounds had spiritual importance for Native Americans now living in the city and surrounding towns. If word of the site leaked to the public, she feared that the spiritual site would be further damaged by trespassers and looters. She also feared the possibility of inappropriate worship at the site by nontraditional groups. While some of her statements were speculative on Bear's part, the hospital was not in a financial position to conduct an archeological survey of its entire property. Although costly, the survey may have either confirmed or refuted her serious suspicions.

The historical, religious, cultural and archeological research was now better understood by all parties to the dispute, although only Farmer and the hospital's CEO, Hilary Sparks, were aware of the problem. Bear asked Farmer to restrict access to the site and avoid any communication with the media or public. In turn, Farmer complied with her requests by notifying the hospital's director of community relations and director of public relations (in case the media contacted the hospital); the director of plant operations (so that barricades might be placed across an access road to the tower); and the director of security (so that patrol and surveillance of the area might be increased). Farmer gave them the strongest of admonitions when he instructed them of the need to not discuss the problem with others and the absolute need to "keep the lid on" a potentially explosive human and community relations problem.

After many meetings and what seemed to be countless hours of discussion, argument and consultation, Bear and the other principal parties reached a consensus on what had to be done. They all agreed that the cell phone tower would be removed, and the burial site would be restored —as much as possible—to its original condition. Also, as part of the agreement, Mobile Call was required to assume a leadership role in removing the cell phone tower. In response, Mobile Call although disappointed with the high costs of this project, stepped up to the charge and acted like a responsible corporate citizen. In the spirit of accommodation, since so many customers were dependent on the tower for transmission and reception purposes, a replacement tower would have to be built on another area of the hospital's property. Mobile Call insisted that its customers should have "seamless service." Mobile Call also worked with the state archeological office to determine what equipment and removal processes should be used to minimize or eliminate further destruction to either the burial mound or adjacent area.

Attorneys for the hospital and Mobile Call were involved in every phase of the discussion that would lead to the removal of the tower. As one attorney remarked, "Consensus is difficult to reach when interest and values are so divided. We want to make sure that we are now in full compliance with all applicable state and federal laws. Towers are expensive to construct and even more costly to take-down."

The date for the "final deconstruction" was set, and a large industrial crane was brought onto the hospital site. The parties agreed that the tower would be dismantled over a weekend in order to minimize the disruptive impact it might have on normal hospital business and traffic flows. Although it was difficult to understand, Norton agreed that all individuals involved in the actual demolition of the tower would participate in an Indian ceremony called "smudging" where workers and supervisors would inhale smoke produced from a special mixture of dried plants. Politically, to be sure, none of the parties desired to make the demolition a spectacle. They knew that widespread public attention would draw the normal type of protests and demonstrations by heritage activists, and they wanted to avoid that spectacle at all costs.

"Damage control should now be put in place and a return to normalcy is required," said Farmer, as he firmly shook the hands of Norton and Marietta Bear.

The tower came down more quickly than it had been erected and the CMC was required by law to restore the property to its original condition. In order to prevent further damage or disruption to the burial mound, the deep concrete piers were left in place, although the supportive gravel base was removed along with the thick concrete platform on which the tower stood.

One worker said, "I hope the spirits were not disturbed by the jackhammering we had to do."

Finally, upon the complete removal of the tower, the ground on which it once so proudly stood was recovered with soil and reseeded with native plants. Bear instructed CMC to protect the site from any further disturbances including pedestrians, motor traffic, and lawn maintenance. He believed that ancestral spirits of a once-lost, and now-found Indian tribe could finally rest in tranquility and peace—a peace that will never again be broken by white men.

Upon reflection Farmer told some of the county officials, who felt they had given into "Voodoo rituals" too easily, that they would probably feel like Bear, especially if the cemeteries where their relatives had been laid to rest were later disturbed by surveyors, bulldozers, backhoes, and cement trucks. Farmer also spoke to the policymakers about cemeteries as sacred grounds where loved ones are buried, and where friends and relatives frequently gather—especially at anniversaries and other commemorative holidays—to connect either spiritually or physically with the deceased.

In response, one county official recalled how upset he was to see a local cemetery vandalized with monuments cracked, broken, toppled, and otherwise desecrated.

He opined, "If this sort of thing happened to our own cemeteries, don't you think the county sheriff, local civil authorities, church groups and the American Legion and Veterans of Foreign Wars would raise a fuss?"

Farmer concluded the discussion by acknowledging that Indian mounds should not be treated differently than the burial plots of our own ancestors and loved-ones.

"After all, let's think about how we guard the 'Tomb of the Unknowns' at Arlington National Cemetery in Washington, D.C.," said Farmer. "The Third Infantry Regiment at Fort Myer is charged with providing the honor guard there as well as at White House social functions. The men and women of the Third Infantry Regiment are dedicated to this 'charge of honor,' and the fact that it is continuous—never interrupted for any reason, whether hurricanes or freezing temperatures, heat waves or nice climatic conditions—stands as an added monument of honor and respect to our American combat dead. Marietta Bear is playing the same role as we would play, except she is the 'honor guard' for the historical legacy and memory of American Indians and their tribal culture."

Mobile Call assumed all financial costs of removing the tower, which was estimated to cost $100,000 to construct. Because the tower was built to specifications required by the site, it was not possible to use the tower at another location, and therefore, the metal was sold as scrap iron.

Although, Mobile Call did not officially disclose its costs to erect a replacement tower, Farmer estimated that the total cost of the tower construction and demolition—including the hiring of an archeological consultant, attorney legal fees and equipment rental—to be around $250,000. Mobile Call took full responsibility for not conducting the required archeological survey prior to construction of the tower. The Federal Communications Commission (FCC) did not fine Mobile Call for not having the requisite survey because this issue fell outside of their original jurisdiction.

Exhibit 1: State Statutes on Protecting Ancient Burials

263B.8 Cemetery for ancient remains.

The state archaeologist shall establish, with the approval of the executive council [Governor, Secretary of State, State Auditor, State Treasurer, Secretary of Agriculture], a cemetery on existing state lands for the reburial of ancient human remains found in the state. The cemetery shall not be open to the public. The state archaeologist in co-operation with the department of natural resources shall be responsible for co-coordinating internment in the cemetery.

263B.9 Authority to deny permission to disinter human remains.

The state archaeologist shall have the authority to deny permission to disinter human remains that the state archaeologist determines have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the people of the United States.

716.5 Criminal mischief in the third degree.

A person commits criminal mischief in the third degree [aggravated misdemeanor] who does either of the following:

1. Intentionally disinters human remains from a burial site without lawful authority.
2. Intentionally disinters human remains that have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the United States without the permission of the state archaeologist.

The State Administrative Code

Ancient Human Skeletal Remains

685-11.1 Procedures. The Office of the State Archaeologist (OSA) is the appropriate agency to contact regarding the discovery of human physical remains or suspected human physical remains believed to be over 150 years old. The OSA should be notified of the location of areas believed to represent ancient burial grounds. The director has the authority to deny permission to disinter human physical remains from aboriginal ossuaries, grave sites, cemeteries or any other archaeological deposit that are determined to have state and national significance from the standpoint of history or science.

11.1 (4) The OSA shall maintain records of all known of suspected ancient burial sites in the state. The OSA has the authority to co-ordinate activities pertaining to ancient burial grounds in order to foster their protection and preservation.

Questions and Instructions:

1. What lessons did the hospital learn about working with individuals from different ethnic backgrounds? Why is it important to understand cultures and rituals? Please explain. [The cultural history of the state, as well as information as to what to do when artifacts are discovered, can be obtained from the state archeologist's office in your state. Information on Native American tribes, their history and culture is usually available from the state agency or department that manages cultural affairs].

2. Who should have been responsible for knowing the appropriate and applicable state and federal laws (see, **Exhibit 1**) related to archeological surveys of virgin grounds? Did the CMC have responsibility or liability? Please be specific. Please explain how the concept of due diligence applies to this scenario.

3. In light of the hospital's obligation to comply with the state's open records/open meetings law, was it fair for Bear to require Farmer to keep the existence of the burial mounds confidential? Elaborate.

4. If you were Farmer, would you have honored Bear's request to keep the situation confidential? If yes, why? If no, why not? What are the possible implications of one or more of the informed individuals leaking the story to other employees, family members or the media? For example, relevant laws on open meetings in Iowa can be accessed through www.iowaattorneygeneral.org.

5. Since the burial mounds are of potential historical and religious importance, should the hospital seek funding to conduct an archeological survey of other unused areas on its 60-acre property? Please explain. The following website provides added useful information that might be incorporated in your response, www.culturalaffairs.org.

Appendix A

Index of Topics

The text gives major emphasis to topics in cases marked by an asterisk.

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Appendix B

Case Histories Keyed to Topics

The text gives major emphasis to topics marked by asterisks.

1. A Cutback Emergency
*Downsizing, Employee Participation, Entrepreneurialism, Fairness, *Fiduciary Responsibility, *Fiscal-Budgetary Matters, *Interagency and Intra-agency Relations, *Leadership, *Participatory Management, Union-Management Relations

2. A Hiring Dilemma: Recruitement from In-House Versus Outside
28E, Clientele Relations, Conduct Codes, Employee Rights, Ethical Questions, Freedom of Religion, Freedom of Speech, Health Law and Regulations, Interpersonal Relations, Job Satisfaction, Managerial Style, Organization Behavior, Problem Employee, Professionalism, Public and Community Relations, Religious Discrimination, Religious Practices, Value Clarification, Value Differences

3. Ancestry Worship
*Accountability, *Board Membership, *Board of Directors, *Child Care, *Clientele Relations, Communication, *Community Relations, *Complaints of Public, *Conduct Codes, Conflict of Interest, Cronyism, Delegation of Authority, Dishonesty and Corruption, Employee Evaluation, Ethical Questions, Human Resource Management Issues, Legal Requirements, *News - Media Relations, Patronage, Performance Evaluation, Philanthropic Organization, *Power and Authority, *Public and Community Relations, *Sexual Conduct and Harassment, * Staff – Client Relations, Termination, Vulnerable Person

4. Bad Feng Shui
Communication Problems, Conflict Resolution, Consolidation, Decentralization–Centralization, Delegation of Authority, Employee Participation, Entrepreneurialism, Interpersonal Conflict, Interpersonal Relations, Marketing, Organization Behavior and Change, Organizational Structure and Design, Participatory Management, Power and Authority, Professionalism, Quality of Work Life, Reorganization, Staff Relations

5. Between a Rock and a Boulder
*Benefits – Employee, *Board of Directors, *Compensation and Benefits, Cronyism, Fiscal Budgetary Matters, Flexible Benefits, *Motivation, Performance Evaluation

6. Chartering New Ground
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7. Competition from Behind Bars
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8. Creating a "New" Olin County Metroplex
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9. Discrimination in the Workplace: Real or Imagined?
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11. Employee Health Benefits
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12. Eupsychian Management
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13. From Dan to Danita: LGBT Based Discrimination to Issues of Religious Freedom
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14. Goats, Guns and Gas
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15. "Grass" by any Other Name — Xeriscaping and Sustainability
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17. Introspection, Creativity and Cloud Computing
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18. Kaizen Goes Public
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Appendix D

Case Log and Administrative Journal Entry

The overall success of the case-study methodology is predicated on the assumption that participants will come to each class meeting well prepared. This methodology can be utilized in various pedagogical approaches including "Flip classroom" and "Problem-based" situational learning systems. The instructor can adjust the methodology to best suit the learners and the learning environment. That means, they will have read and analyzed the case studies assigned for the class period and will have, at a minimum, completed the **Case Log and Administrative Journal Entry** found in this appendix. As such, the main administrative and policy issues need to be identified, and the student needs to ascertain the relevance of the various administrative concepts, ideas, theories, notions, and techniques as they pertain to public-management problem solving today. In addition, to identifying the major issues, learners should attempt to isolate what the facts are in each case study. As many copies as necessary may be made of the **Case Log and Administrative Journal Entry** below.

Case #: _____	**Case Name: _____**
Student Name:	

Case Log and Administrative Journal Entry

This case analysis and learning assessment is printed on perforated pages and may be removed from the book for evaluation purposes.

Case Analysis:
Major case concepts and theories identified:

What is the relevance of the concepts, theories, ideas and techniques presented in the case to that of public management?

Facts—what do we know *for sure* about the case? Please list.

Who is involved in the case (people, departments, agencies, units, etc.)? Were the problems of an "intra/interagency" nature? Be specific.

Are there any rules, laws, regulations or standard operating procedures identified in the case study that might limit decision-making? If so, what are they?

Are there any clues presented in the case as to the major actor's interests, needs, motivations and personalities? If so, please list them.

Learning Assessment:
What do the administrative theories presented in this case mean to you as an administrator?

How can this learning be put to use outside the classroom? Are there any problems you envision during the implementation phase?

Several possible courses of action were identified during the class discussion. Which action was considered to be most practical by the group? Which was deemed most feasible? Based on your personal experience, did the group reach a conclusion that was desirable, feasible, and practical? Please explain why or why not.

Did the group reach a decision that would solve the problem on a short-term or long-term basis? Please explain.

What could you have done to receive more learning value from this case?

Appendix E

Selected Online-Resources for Nonprofit Management and Leadership

Any attempt to be exhaustive in listing the thousands of websites that are available in the area of nonprofit management and leadership would be inadequate. The following websites represent a highly select number that the authors have found useful in their own research and consulting and ones that have been recommended by practicing public personnelists. The websites that follow are listed by area of interest, accompanied by a brief description of each websites' salient feature(s). They are provided in an attempt to get managers to go online. Our experience instructs us that the more we use these sites in preparing for class and conducting research, the more they get incorporated into our everyday-world of management. The websites referenced here are listed in the following order:

1. Performance Appraisal and Work Quality
2. Pay/Compensation/Benefits/Merit Systems
3. Recruitment
4. Equal Employment
5. Affirmative Action
6. General Personnel Issues
7. Legal Aspects (EEOC and Anti-Discrimination)
8. Disabilities
9. Productivity
10. Budgeting and Finance
11. Ethics
12. Miscellaneous

1. Performance Appraisals and Work Quality

http://www.mapnp.org/library/perf_mng/perf_mng.htm: This website specifically addresses performance management and includes activities to ensure that organizational goals are consistently met in an effective and efficient manner. Performance management also focuses on performance of the organization, a department, or process to build a product or service, and employees.

http://performance-appraisal.8m.com/index.htm: This site is dedicated to educating managers, supervisors, human resource professionals and staff so they can maximize the value they gain from performance management and performance appraisal.

www.aqp.org: Association for Quality and Participation AQP) is an international, nonprofit association that provides research and commentary on how to improve the quality of the workplace through different types of participatory management in hospitals to factories.

http://www.workteams.unt.edu/: The Center for the Study of Work Teams is based at the University of North Texas and was created for the purpose of education and research in all areas of collaborative work systems.

http://www.peoplemanagement.co.uk/Index.html: People management from the United Kingdom.

http://www.pmn.net/: The Performance Management Network is an incorporated Canadian company focusing on management consulting, education, and the exchange of ideas in all areas of performance improvement, including resource management, organizational design/development, and outcomes management.

http://www.ispi.org/: Founded in 1962, the International Society for Performance Improvement is the leading international association dedicated to improving workplace productivity and performance.

http://www.siop.org/: The Society for Industrial and Organizational Psychology is the premier membership organization for those practicing and teaching industrial and organizational psychology.

http://www.essential.org/: Founded by Ralph Nader in 1982, Essential Information encourages citizens to become active and engaged in their communities and provides information to the public on topics neglected by the mass media and policy makers.

http://www.iaqc.org: The International Academy for Quality Certification endeavors to enable organizations and people to obtain high standard, internationally recognized levels of certification for quality and people development programs.

http://www.dol.gov/_sec/media/reports/dunlop/dunlop.htm: Department of Labor site with information related to workplace productivity and practices related to union-employer collective bargaining.

http://managementhelp.org/perf_mng/perf_mng.htm: Provides resources about performance management's overall goal and basic steps; brief overview of key terms generic to performance management; performance plan; performance appraisal; development plans; benefits and concerns of performance management; performance management during rapid change; guidelines, myths and examples of performance measurement; and general resources.

http://www.opm.gov/perform/plan.asp: Provides links about U.S. Office of Personnel Management's staff recommendations, policy documents, resources, newsletter articles, performance plans, goal setting, linking to organizational goals and book reviews that is related to performance management.

2. Pay/Compensation/Benefits/Merit Systems

http://www.govbenefits.gov: Provides easy online access to government assistance programs and benefits.

http://www.ipma-hr.org: IPMA-HR is an organization that represents human resource professionals at the federal, state and local levels of government by providing information to improve their job performance.

http://www.worldatwork.org/worldatwork.html: A professional association with information about compensation, benefits, and total rewards.

http://www.benefitslink.com/topics.shtml: The King Kong of benefits listing and references.

www.compensationlink.com: Compensation Link is the global on-line service that unites principal compensation internet based resources from the United States, Canada, Europe, Asia, and Latin America with compensation and human resource professionals around the world.

www.benefitnews.com: Internet's most comprehensive resource for benefits professionals.

http://www.opm.gov/lmr/html/flexible.htm: US Office of Personnel and Management - The Federal Employees Flexible and Compressed Work Schedules Act of 1982, codified at 5 U.S.C. § 6120 et seq. (the F&CWS law), authorizes a versatile and innovative work-scheduling program for use in the Federal Government. In recent years, the importance of flexible and compressed work schedules has been enhanced by the emergence of work and family issues.

http://www.opm.gov/oca/leave/index.htm: U.S. Office of Personnel and Management provides the law, regulations, and forms for such family-friendly leave polices as FMLA, organ donor leave, and sick leave to care for a family member.

http://www.snc.edu/socsci/chair/336/group1.htm: If you are interested in career development, salary compression, and pay for performance and other incentive systems, this site will be particularly interesting.

http://www.aflcio.org/corporateamerica/paywatch/: Those who are interesting in monitoring the bonuses and compensation for CEO's will find that the American Federation of Labor/Congress of Industrial Organization (AFL/CIO) keeps a watchful eye on executive perks and other forms of compensation.

http://www.opm.gov/lmr/html/flexible.htm: This U.S. Office of Personnel and Management website includes information on the Federal Employees Flexible and Compressed Work Schedules Act of 1982, codified at 5 U.S.C. § 6120 et seq. (the F&CWS law). The law authorizes a versatile and

innovative federal government work scheduling program. In recent years, the importance of flexible and compressed work schedules has been enhanced by the emergence of work and family issues.

http://www.usda.gov/da/employ/ffwg.htm: The Department of Agriculture's "Family Friendly Guide" provides examples of a federal agency addressing family friendly issues such as flextime, child care, elder care, domestic violence, adoption, fatherhood support, and nursing mothers.

http://www.opm.gov/oca/leave/index.htm: U.S. Office of Personnel and Management website on leave issues and resources.

http://www.osc.gov/: The U.S. Office of Special Counsel's (OSC) primary mission is to safeguard the Merit Systems by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistle blowing.

http://www.opm.gov/studies/: The U.S. Office of Personnel Management-Special Studies on the Federal Civil Service studies human resource management issues and policies that have a critical effect on the federal civil service.

3. Recruitment

http://www.erexchange.com/: A great site for articles on selection, retention, training, interviewing and screening, metrics, employment law, and general employee referral programs. It also has information on college recruiting, Internet recruiting, and orientation and assimilation. Click on Jobs and the senior executive recruiter, manager recruiter, technical recruiter and recruiter consultant world unfolds before your eyes.

www.hr-guide.com: This is a huge website for human resources information and Internet guidance within the comprehensive field of human resources management. If you can't find it here, you aren't looking!

http://www.best-in-class.com/: This website is for Best Practices, LLC. It has a link for information regarding human resources. Best Practices, LLC is a recognized leader in the field of human resources benchmarking and process improvement.

http://www.interbiznet.com/eeri/index.html: Internet recruiting sites

www.shrm.org: The Society for Human Resource Management website is a must for any serious student or professional in the field of personnel management.

http://www.hr.com: "HR.com is a free website that is in business to help build great companies by connecting them to the knowledge and resources they need to effectively manage the people side of business. As the largest social network and online community of HR executives, we provide

thousands of worldwide members with easy access to shared knowledge on best practices, trends and industry news in order to help them develop their most important asset – their people" (www.hr.com).

http://www.bls.gov/oco/ocos021.htm: This link is listed as an article in Bureau of Labor Statistics' (Occupational Outlook Handbook, 2008-09 Edition) website. However, it provides good information about human resources, training and labor relations managers and specialists – nature of the work; training, other qualifications and advancement; employment; job outlook; projections data; earnings; OES (Occupational Employment Statistics) data; related occupations; and sources of additional information.

http://www.unions.org: "Unions.org manages a database of Unions organizations across the United States. Unions.org serves as an advertising platform for Unions, with its proprietary internet marketing software. Our members find us through a combination of online and print advertising, as well as word of mouth from local union chambers."

4. Equal Employment

www.eeoc.gov: The official website for the U.S. Equal Employment Opportunity Commission (EEOC).

http://disabilities.about.com/health/disabilities/library/weekly/aa092500a.htm: This link is a thorough site in article form providing resources such as court cases and other material that would be useful in courses that discuss current issues of personnel management.

http://classiclit.about.com/cs/gendertheory/index.htm: A listing of related human resource material.

http://www.dol.gov/dol/topic/discrimination: Department of Labor's website about its two agencies that deal with Equal Employment Opportunity (EEO) monitoring and enforcement.

http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=11939: U.S. General Services Administration's link to its Office of Civil Rights. The website also provides several resources/links about equal employment opportunity.

http://www.ada.gov: U.S. Department of Justice's Americans with Disabilities Act homepage.

http://www.eeac.org: Equal Employment Advisory Council is "the nation's only employer association dedicated exclusively to the advancement of practical and effective equal employment opportunity and affirmative action compliance programs to eliminate workplace discrimination."

5. Affirmative Action

http://www.washingtonpost.com/wp-srv/politics/special/affirm/affirm.htm: An affirmative Action website that lists key stories, editorials, and stories from the *Washington Post*.

http://aad.english.ucsb.edu/: This site presents diverse opinions regarding affirmative action topics. Rather than taking a singular pro or con position, it is designed to help lend many different voices to the debates surrounding the issues of affirmative action. This site is an academic resource and it provides scholars, students, and the interested public with on-site articles and theoretical analyses, policy documents, current legislative updates, and an annotated bibliography of research and teaching materials.

http://www.affirmativeaction.org/: The American Association for Affirmative Action is the association of professionals managing affirmative action, equal opportunity, diversity and other human resource programs.

http://www.naacp.org/: The National Association for the Advancement of Colored People (NAACP) is the nation's largest and strongest civil rights organization.

http://www.now.org/issues/affirm: National Organization for Women's archives and latest news articles that deal with affirmative action.

http://www.infoplease.com/spot/affirmativetimeline1.html: *Columbia Encyclopedia* presents major milestones in the history of affirmative action.

http://www.dol.gov/dol/topic/hiring/affirmativeact.htm: Department of Labor provides several links about affirmative action.

http://wwwfeminist.org: The Feminist Career Center provides information related to affirmative action and other topics related to gender based employment disparities and inequalities.

http://www.apa.org/ppo/aa.html: American Psychological Association website on affirmative action issues.

6. General Personnel Issues

http://www.mapnp.org/library/topics.htm -This site has it all. Everything you could possibly imagine in relation to human resource management and administration. It has superb links to advertising and promotion, benefits and compensation, career development, communication, crisis management, customer service and satisfaction E-commerce, creativity and innovation, evaluations, employee performance management, ethics, financial management, group performance management, interviewing, legal information, leadership development, organizational change, training and development, staffing, and social entrepreneurship, and quality management.

http://www.aspanet.org/: With a diverse membership composed of more than 10,000 practitioners, scholars, teachers and students, ASPA is the largest and most prominent professional association in the field of public administration. As students in public administration, this site will be accessed frequently. It also provides many excellent links to governmental agencies and other professional associations.

http://www.napawash.org: The National Academy of Public Administration is an independent, nonpartisan organization chartered by Congress to assist federal, state, and local governments in improving their effectiveness, efficiency, and accountability.

http://www.dot.gov/ost/dapc/: U.S. Department of Transportation: The Office of Drug and Alcohol Policy and Compliance. Its Mission is to provide expert advice to industry representatives regarding implementation of the controlled substances and alcohol testing rules. And where possible, they have attempted to simplify and standardize testing operations across the United States.

http://www.kepner-tregoe.com/: Kepner-Tregoe, a worldwide management consulting firm, helps integrate an organization's knowledge base and critical thinking skills with its strategy, its structure and systems, and the processes by which goals are accomplished.

http://www.public-policy.org/: National Center for Policy Analysis

www.ipma-hr.org: International Personnel Management Association

www.shrm.org: Society for Human Resource Management (HRM) home page.

http://www.workforce.com/: This website is for business leaders in human resources. It includes a variety of practical HRM information that is useful to the personnel administrator on a day-to-day basis.

http://www.hrlive.com/: A monthly digest of news, views, tips, and trends.

http://www.hrworld.com/: A quarterly magazine on using informational technology effectively in human resources.

http://www.fpmi.com/: This U.S. site has a listing of HR publications, a daily government news feature, and two HR lists on general personnel and training for government agencies.

http://www.bcsolutionsmag.com/: U.S. Magazine with featured articles on human resources management.

http://www.humanresourcesinfo.com/: A Canadian newsletter focusing on the issues of compensation, productivity, restructuring, performances management, and managing change.

7. Legal Aspects

http://www.eeoc.gov/: This site is a clearinghouse for all issues relevant to the Equal Employment Opportunity Commission (EEOC).

http://www.corporateinformation.com/: A place to find corporate information by state and country. It also has links to other sites such as the state's Supreme Court archives and decisions.

http://www.ahipubs.com/: Good resource for legal information pertaining to all phases of employment.

http://www.osc.gov: The U.S. Office of Special Counsel Whistleblower Disclosure Section provides a safe channel through which current and former federal employees, and applicants for employment, may disclose information that they believe shows a violation of law, rule or regulation, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety.

http://www.naspaa.org/: The **National Association of Schools of Public Affairs and Administration** (NASPAA) is an institutional membership organization that exists to promote excellence in public service education. The membership includes 245 U.S. university programs in public affairs, public policy, public administration and nonprofit management. Visit this site and see what the issue of program accreditation is all about and whether your MPA program is accredited.

http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/pages/adb_eeo_affirmative_action: This website links to "Discrimination, EEO and affirmative action," a fact sheet that explains the difference between discrimination, equal employment opportunity (EEO) and affirmative action, in relation to employment.

http://www.usa.gov/Topics/Reference_Shelf.shtml#laws: Wonderful source for EEOC laws ranging from Title VII of the Civil Rights Act, 1964, as amended to Age Discrimination Employment Act of 1967, and Civil Rights Act of 1991.

http://www.eeoc.gov/types/sexual_harassment.html

http://www.eeoc.gov/mediate/facts.html

http://www.lectlaw.com/temp.html: Useful site for standard topics such as the Fair Labor Standards Act (FLSA), Americans with Disabilities Act (ADA), and rights to workplace privacy.

http://www.lawatwork.com: Site for current labor laws, affirmative action, and different types of discrimination.

http://www.whistleblowers.org/: The National Whistleblower Center is a nonprofit, tax-exempt educational and advocacy organization committed to environmental protection, nuclear safety, civil rights, government accountability and protecting the rights of employee whistleblowers. Established in 1988, the center has successfully established many of the most important precedents protecting employee whistleblowers throughout the United States.

http://www.dol.gov/dol/esa/public/regs/compliance/whd/1421.htm: The U.S. Department of Labor's "Family and Medical Leave Act (FMLA) Compliance Guide" summarizes the FMLA provisions and regulations and provides answers to the most frequently asked questions.

http://www.opm.gov/oca/leave/index.htm: The U.S. Office of Personnel Management provides government-wide leadership on federal leave policies and programs. This is accomplished by developing and maintaining government-wide regulations and policies on the administration of leave, including the Family and Medical Leave Act, family-friendly leave policies, federal leave sharing programs, annual leave, sick leave, and time off for special circumstances.

http://www.dot.gov/ost/dapc/: The U.S. Department of Transportation's Office of Drug and Alcohol Policy and Compliance provides expert advice to industry representatives regarding implementation of the controlled substances and alcohol testing rules.

http://www.opm.gov/family/wrkfam/index.html: U.S. Office of Personnel and Management website on family friendly workplace advocacy.

8. Disabilities

http://www.aarp.org/: This site is dedicated to the American Association of Retired Persons (AARP).

www.ahipubs.com: This is a good site to utilize if looking for information about employing persons with disabilities. In addition, this site also has legal information regarding a full range of employment issues.

http://www.dredf.org/: Founded in 1979 by people with disabilities and parents of children with disabilities, the Disability Rights Education and Defense Fund, Inc. (DREDF) is a national law and policy center dedicated to protecting and advancing the civil rights of people with disabilities through legislation, litigation, advocacy, technical assistance, and education and training of attorneys, advocates, persons with disabilities, and parents of children with disabilities.

http://www.eeoc.gov/: U.S. Equal Employment Opportunity Commission (EEOC).

http://www.dol.gov/whd/fmla/APPENDIXF.htm: The U.S. Department of Labor Family Medical Leave Act (FMLA) Compliance Guide summarizes the FMLA provisions and regulations, and provides answers to the most frequently asked questions.

http://www.opm.gov/oca/leave/index.htm: The Office of Personnel Management provides leadership across government on federal leave policies and programs. This is accomplished by developing and maintaining government-wide regulations and policies on the administration of leave, including the Family and Medical Leave Act, family-friendly leave policies, federal leave sharing programs, annual leave, sick leave, and time off for special circumstances such as early dismissal or closure for weather emergencies. However, each federal agency is responsible for administering leave policies and programs for its own employees.

http://www.access-board.gov/: The United States Access Board is an independent federal agency devoted to accessibility for people with disabilities. Key responsibilities of the Board include:

- Developing and maintaining accessibility requirements for the built environment;
- Guidelines for transit vehicles and telecommunications, electronic and information technology equipment;
- Providing technical assistance and training guidelines and standards; and
- Enforcing accessibility standards for federally funded facilities.

http://www.ada.gov: U.S. Department of Justice's Americans with Disabilities Act homepage.

http://www.disabilityinfo.gov: Disability.gov is a federal government website where new resources are added daily across 10 main subject areas – benefits, civil rights, community life, education, emergency preparedness, employment, health, housing, technology and transportation.

9. Productivity

www.astd.org: American Society for Training and Development. Anything and everything you need to know about if training is your *forte*.

http://www.suite101.com/welcome.cfm/training_and_development: Offers numerous links related to training and development.

10. Budgeting and Finance

http://www.whitehouse.gov/omg: The website of the U.S. Office of Management and Budget.

http://www.cbo.gov: The Congressional Budget Office (CBO), legislative arm of the federal government for budgeting purposes.

http://www.nncls.org: The National Conference of State Legislatures (NCSL) provides massive amounts of budget information on state government budgets and public finance.

http://www.abfm.org: Association for Budgeting and Financial management (ABFM) is a national association providing detailed budgetary and financial information for all levels of government.

11. Ethics

http://www.usoge.gov: This website from the U.S. Office of Government Ethics provides a survey of federal employees on their ethical perspectives and a "Standards of Ethical Conduct for Employees of the Executive Branch" publication.

http://www.house.gov/ethics: The official website for the U.S. House of Representatives Committee on Standards of Official Conduct.

http://www.ethics.senate.gov: The official website for the U.S. Senate Select Committee on Ethics. This site includes a handbook for its membership and employees.

12. Miscellaneous

http://www.usa.gov: Federal government portal linked to thousands of federal websites.

http://www.brookings.edu: The Brookings Institution is widely known for its research and publications on topics as varied as poverty, globalization, and human resources management.

http://www.flra.gov: The U.S. Federal Labor Relations Authority (FLRA).

http://www.bls.gov/: The U.S. Bureau of Labor Statistics (BLS).

http://www.usa.gov/: The official web portal of the U.S. government.

http://www.aspeninstitute.org: For the person interested in developing executive leadership skills, The Aspen Institute is known world-wide.

http://www.surveymonkey.com: A useful online tool for collecting and analyzing survey data. In short, everything you will need to prepare and analyze an online survey or questionnaire.

http://www.accel-team.com: Building successful teams.

http://www.bls.gov/data/home.htm: Bureau of Labor Statistics.

http://www.riskinstitute.org: Public Entity Risk Institute.

http://www.kff.org: The Kaiser Family Foundation.

http://www.pewtrusts.org: The PEW Charitable Trusts sponsors research on the federal and state levels of government in human resources management, contracting-out, employee satisfaction, and financial management and in the general areas of health, environment and economic policy.

http://www.Markle.org/: Markle Foundation.

http://www.governing.com: *Governing* Magazine.

http://www.govexec.com: Government Executive

http://www.ksg.harvard.edu/TheBehnReport/

http://www.osha.gov/oshstats/work.html: The Occupational Safety and Health Administration maintains this great site for data on occupational and work-place injuries and illnesses.

http://www.globaledge.msu.edu/ibrd/ibrd.asp: The Center for International Business Education and Research at Michigan State University provides this site with trade information and other human resource information on a country by country basis.

http://www.astd.org: The American Society for Training and Development (ASTD) provides specialized information in the area of human resources training and development.

http://www.sympatico.workopolis.com: If you are looking for a solution to a work situation/problem, this might become a favorite site.

http://www.vistaprint.com: Resource for free business cards.

http://www.whitehouse.gov/fsbr/esbr.html: If statistics on economic issues such as output, income, production, money, and prices are your interest, this site provides federal economic indicators.

http://www.hrisolutions.com/index2.html: Great site that links other human resources websites and search tools.

http://www.shrm.org: A premier site sponsored by the Society for Human Resource Management (SHRM) dealing with all aspects of human resource management including law, recruitment, evaluation, interviewing, training, and much more.

Solving Public-Management Problems: A Case Study Approach continues the rich tradition of researching and presenting interesting, relevant and artistically-written case studies for effective learning in management, public administration, and policy analysis courses. All of the cases emphasize problem solving and "doing" as a solid basis for lifelong learning. The authors have direct practical and academic experience dealing with the 200 theoretical and problematic issues presented in the case studies. Each case study maximizes learning by being written from a "pracademic" orientation. That is, all cases have been jointly written with at least one practitioner and academic involved in researching and writing the scenario or incident.

This casebook is intended for undergraduate and graduate courses and training programs that link the theoretical and conceptual with the applied and practical aspects of learning by doing. Embedded in the cases are the enduring notions of leadership, management, motivation, innovation, cutback management, ethical reasoning, collaborative governance, discretionary authority, teamwork, lean production, negotiation, conflict resolution, employment discrimination, sustainability, New Public-Management (NPM), and the formulation, implementation, and assessment of public programs.

What management specialists have to say about *Solving Public-Management Problems: A Case Study Approach*

"The use of case studies is a proven means for enhancing student learning. Both seasoned professionals and greenhorns will appreciate the accessibility of the cases, and be challenged by the dilemmas found in the cases in *Solving Public-Management Problems: A Case Study Approach.* An excellent resource for instructors across a variety of disciplines."

—Dr. Lisa A. Dicke, Department of Public Administration, University of North Texas

"This book brings together an impressive set of cases to explore the complex issues faced by managers of today's public and nonprofit organizations. Thought provoking questions accompany each case to stimulate constructive discussion and connect theory to practice."

—Dr. Dorothy Norris-Tirrell, School of Public Administration, University of Central Florida

"This comprehensive collection of cases presents a fresh take on the case study approach by combining sound pedagogical design with fact-packed descriptions of today's complex situations. The forced choices among seemingly irreconcilable goals and values will resonate strongly with practitioners and will also provide pre-professional students with an excellent exposure to the world of public-management decisions."

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